

N/s/z

1 Name: Carol Elaine Wassmann  
2 Address: P.O. Box 247  
3 Dana Point, CA 92629  
4 Phone: (949) 493-1908

5 | Plaintiff In Pro Per



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CAROL ELAINE WASSMANN

8:22-CV-01731-FWS-DFM

**Case No.:**

(To be supplied by the Clerk)

## I. JURISDICTION

22 1. This Court has jurisdiction under The Right to Work  
23 Discrimination on National Origin 8 U.S.C. § 1324b  
24 8 U.S.C. § 1324b (a)(1); 442 CIVIL RIGHTS: JOB [28 U.S.C.  
25 §§ 1331, 1441, 1446, 1447, RULE II] U.S.C. § 1343 FEDERAL  
26 QUESTION JURISDICTION arises pursuant to 42  
27 U.S.C. § 1983 (FEDERAL QUESTION)  
28 L.R. 7-18 Motion for Reconsideration: (a) § (c)

## II. VENUE

2. Venue is proper pursuant to California Evidence Code Section 452, subdivisions (b), (c), (d), (g) and (h) Defendants SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, a public entity ("District").

### III. PARTIES

3. Plaintiff's name is CAROL ELAINE WASSMANN. Plaintiff resides at: (HOMELESS) in Orange County, California 92629.

4. Defendant KARIMA FELDHUS is a resident of  
orange county, California, and is the Dean of the  
Irvine Valley College Library, and is based out of  
Irvine Valley Community College, 5500 Irvine  
center Drive, Irvine, California 92618

5. Defendant ROBERT BRUMUCCI is a resident of Orange County, California, and is the V.P., Chancellor for the South Orange County Community College District, and is based out of S.O.C.C.C.D 28000 Marquerte Parkway, Mission Viejo, CA 92692

1       6. Defendant GLENN ROQUEMORE is a resident of  
2       Insert ¶#

3       Orange County, California, and is the  
4       President of the Irvine Valley community  
5       college, and is based out of 5500 Irvine  
6       Center Drive, Irvine, California 92618

7       7. Defendant LEWIS LONG is a resident of  
8       Insert ¶#

9       Orange County, California, and is the  
10       Union President for California Teachers  
11       Association ("C.T.A") SOUTH COUNTY, and is based  
12       out of 5500 Irvine Center Drive, Irvine, CA 92618

13       8. Defendant KATHERINE SCHMEIDLER is a  
14       Insert ¶#

15       resident of orange county, California, and  
16       is the Union California Teacher's Association  
17       ("C.T.A") GRIEVANCE CHAIR and is based  
18       out of 5500 Irvine Center Drive, Irvine CA  
19       92618

20       \_\_\_\_\_

21       \_\_\_\_\_

22       \_\_\_\_\_

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28       \_\_\_\_\_

1  
2  
3 **IV. STATEMENT OF FACTS**

4 9. Plaintiff Carol Elaine Wassmann  
5 Insert # Black Faculty or Wassmann for her Complaint  
6 against the South Orange County Community  
7 College District ("SOCCCD") and California  
8 Teachers Association ("CTA") Defendants  
9 Collectively allege as follows:

10 Please Note: CT = "COURT TRANSCRIPT"

11 10. This action seeks to remedy the harm  
12 Insert # that Black Faculty Wassmann suffered from  
13 certain unlawful actions of Defendants  
14 "SOCCCD and CTA" Collectively. Black Faculty  
15 Plaintiff is HOMELESS. Career advancement  
16 Stigmized. Her "tentured" teaching Position at  
17 Irvine Valley Community College (IVC) was  
18 ripped from her soul eleven years ago.

19  
20  
21 11. (Black Faculty Plaintiff) received tenure  
22 Insert # March 2009. Six (6) months later on Friday  
23 September 11<sup>th</sup>, 2009, Dean Karima Feldhus  
24 (Defendant) wrote a scathing letter of reprimand  
25 towards (Black Faculty Plaintiff). The Deans  
26 actions was liken to schizophrenic behaviour.  
27 The college library Department was assigned six (6)  
28 different Deans in five (5) years. Feldhus was  
dean number six (6).

1  
2     12. The continued pattern of justice denied  
3     <sup>Insert ¶#</sup> supports the ample evidence of race discrimination  
4     against ("Black Faculty Plaintiff"). Title VII authorizes  
5     the Court to address complaints that a school board  
6     is depriving ("Black Faculty Plaintiff") equal protection  
7     based on race, colour, religion, sex or national  
8     origin. See 42 U.S.C. §§ 2000c-6. § CT 2305:10);  
9     and age discrimination too boot.

10  
11     13. While in the throws of trauma I  
12     <sup>Insert ¶#</sup> ("Black Faculty Plaintiff") did not see the  
13     decit of what the ("SOCCCD" and "CTA") collectively  
14     defendants had done. I ("Black Faculty Plaintiff")  
15     have a case for Prima Facie. I ("Black Faculty Plaintiff")  
16     have been disenfranchized. The  
17     SOCCCD actions was arbitrary or capricious  
18     and inconsistent with: DUE PROCESS under the Law.

19     A Copy of the April 3rd, 2014, PERB WARNING LETTERS is  
20     attached as Exhibit A. ("Ex. A")

21     <sup>14.</sup> The district hired a facilitator to interview all  
22     <sup>Insert ¶#</sup> the (library) staff members; including the dean.  
23     However, ("Black Faculty Plaintiff") was "singled out."  
24     Despite years of good performance evaluation (Ex. B)  
25     ("Black Faculty Plaintiff") was taken to the  
26     "auction block" and was unreasonably  
27     terminated. (Exhibit: C) Defendants did not  
28     fulfill their constitutional responsibility, in violation  
of Education Code: TIMELINE. CA Education code: 87734  
CA Education code: 87735

1  
2 15. The proof of ("Black Faculty Plaintiff's") innocence,  
3 <sup>Insert ¶#</sup> has been buried by the defendants ("soccd and c.T. A.")  
4 collectively in over a thousand pages of documents  
5 submitted to the Orange County Superior Court house.  
6 Yet, collectively, the ("soccd" and Union "CTA") defendants  
7 ignored their obligations to follow i.e., abide by the law  
8 and administer equal treatment to a person of colour  
9 and fairness. Defendants engaged in an abuse of  
10 discretion, and actions not in accordance with the law.

11 16. The ("soccd and Union CTA officials") Defendants  
12 <sup>Insert ¶#</sup> deliberately ignored my legal complaints (Rebottels) (Ex: D )  
13 and fight for Justice to save my career and Job.  
14 The ("soccd" and "c. T.A. Union") defendants collectively  
15 acted with extreme egregious intent toward Black  
16 Faculty Plaintiff in their pursuit to terminate  
17 her employment. (9 CT 259b-2597)  
18 (6 CT 1690-1691)

19  
20 17. Rather than responding openly and  
21 <sup>Insert ¶#</sup> constructively to the concerns raised by  
22 ("Black Faculty Plaintiff Carol Elaine Wassmann,  
23 regarding inclusiveness and racial equity, in  
24 adhering to the timeline set-forth in the  
25 education code and California Education code.  
26 To ensure equal treatment for faculty of  
27 colour. (6 CT 1686-1688), (9 CT 259b) (The CA  
28 Education Code: 87734) (Exhibit: E)

## V. CAUSES OF ACTION

## **FIRST CAUSE OF ACTION**

(Race-Based Discrimination in violation of PERB)  
*insert title of cause of action*

Plaintiff

(As against Defendant(s): South Orange County Community College District et.al.)

18. Defendant's unfair and retaliatory conduct  
Insert # toward Black Faculty Plaintiff did not occur in isolation, but rather as part of a broader pattern, extending over eleven (11) years, of unfair treatment and insensitivity by the "soccer and union C.T.A" toward this Black Faculty Plaintiff. (act 2514)

19. Based on the Evidence ("Black Faculty Plaintiff")  
Believes that she was treated differently than other  
employee in similar situation. Mr. Lawrence,  
"Larry" Kaufman "white" instructor engaged  
in the conduct of "... Kiddy Porn..." on campus  
computers, during his work hours...

20. The "soccer" and union "C.T.A") defendants made clear to Black Faculty Plaintiff that the school was not fostering "an equitable and inclusive community for faculty by colour; when Larry Kaufman was given a nice "exit" packet for his time on the school computer engaged in "Kiddy Porn". (Deposition 2011)

(Freedom of Information Act Statute (2016)  
Public Law No 114 - 185 § 552)

21. (Black Faculty Plaintiff) instructor was discipline  
more harshly / Job Termination for having  
cream on her work cart (Exhibit: F) Hand MB  
(3 CT 771: 16-19).

Instead, the ("SOCCCD and C.T.A Union") collectively inflicted  
extreme and unwarranted harm on ("Black Faculty Plaintiff")  
who had recently received tenure. In so doing the  
"SOCCCD and Union" Defendants acted impermissibly too  
silence and retaliate against ("Black Faculty Plaintiff") And  
the Union C.T.A Lack luster too represent and protect my rights.

22. Please Note: The "Notice To correct Deficiencies"  
(documentation) becomes the "Statement of charges,  
when "Black (Faculty) Plaintiff is taken to the office  
of Administrative OFF Hearing. (7 CT 2064-2078)

(Exhibit: G)

23. Timeline violation of California Education Code:  
87734 by the ("SOCCCD & Union C.T.A") defendants in  
serving Black (Faculty) Plaintiff The "Notice To correct  
Deficiencies" Date: Monday, March 29<sup>th</sup>, 2010. i.e., the  
President's 90 day termination letter packet had  
EXPIRED on June 30<sup>th</sup>, 2010 (including weekends).  
Excluding weekends the 90 day termination is July 29,  
2010. (Exhibit: H) And (Exhibit: I)

1  
2 24. Black (Faculty) Plaintiff is placed on "Administrative leave  
3 <sup>Insert ¶#</sup> effective: Tuesday, November 16<sup>th</sup>, 2010. Timeline violation of  
4  $4\frac{1}{2}$  months, passed the deadline. (Exhibit: J)

5 It made me ("Black Faculty Plaintiff") feel less than human  
6 It made me feel very disrespected as a professional.

7 I would like everyone who was part of this (wrongful  
8 job termination) process to be held accountable.

9 President Donald Wagner is an attorney at-large, also  
10 cannot follow the law. I want the Notice to Correct Deficiencies  
stricken from my record.

11 25. <sup>Insert ¶#</sup> under "Discovery" Black Faculty Plaintiff wants  
12 the Court to "subpoena" Lawrence (Larry) Kaufman's  
13 exit packet i.e., sweetheart deal after he was  
14 caught engaging in Kiddy Porn, on his work computer.  
15 Specifically: Personnel file, Retirement packet, Board  
16 of Trustees minutes authorizing this sweet deal.  
17 (Exhibit: K)

18 Black Faculty Plaintiff was placed on Administrative leave  
19 without cause.

20 26. <sup>Insert ¶#</sup> The ("soccd" and "Union C.T.A") engaged in abuse of the  
21 Evaluation Timeline. The Union defendants did not object to  
22 this action. Black faculty Plaintiff was not due for a  
23 Performance Evaluation until 2011. (b et 1595)  
24 Wednesday, October 6<sup>th</sup>, 2010 Did not occur. (Exhibit: L)

25 Dean Feldbus "forced" Black faculty Plaintiff to move out of her  
26 front office (library/building) and placed her in the back of the  
27 building (across from the restroom emulating fumes and odors).  
28 Dean waited nine (9) months before offering to move me to a new  
location. (9 CT 2666), (9 CT 2427) (9 CT 2444:76)

## **SECOND CAUSE OF ACTION**

(Race-Based Harassment in violation of PERB (Plaintiff)  
insert title of cause of action  
(As against Defendant(s): South Orange County Community  
College District et. al, )

27. Defendant (Feldhus) kept a separate file on Black (Faculty) Plaintiff. (2 CT 403:5-25), (1 CT 2050) violating ARTICLE XVIII PERSONNEL FILES 1. There shall be only one official personnel file for each faculty member. Not two files. Once again, Black faculty Plaintiff is subjected to prejudiced behaviour by the dean. This is affirmed by her testimony at the OAH (2 CT 406:15-17).

29 The ("Union C.T.A") Defendants SCHMEIDLER and LONG  
Insert #  
colluded with the ("SOCCD") Defendants (Grievance Chair)  
Katherine Schmeidler at the OAH: " I can't recall the  
details too the Weingarten Rights. National Labour  
Relations Board (NLRB v. Weingarten) (1975) (4 CT 1141:17)  
Also, the ("Union C.T.A") was M.I.A. on (10/6/2010)  
(9 CT 2608) They did not do their "due diligence".  
For this ("Black Faculty" Plaintiff)  
(see Exhibit: A(13))

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30 under Discovery (Black Faculty "Plaintiff") request  
the Court too "subpoena" the "Union CTA" Defendant  
paper work in Mr. Lawrence (Lam) Kaufman's  
professor / Librarian / faculty defence. In the Bible  
this is called: "compare and contrast". Black Faculty  
Plaintiff GOT NO HELP FROM THE "UNION. C.T.A."  
Black Faculty Plaintiff DID NOT SLAM HER OFFICE DOOR  
(3 CT 711: 1-7). Plaintiff is accused of wearing "sun  
glasses" that is deemed a violation in the deans eyes.

31. (Miller vs. Chico Unified School Dist. (4 CT 1005:  
Insert 1# 10-21)

24. Cal. 3d 703 [S.F. No 23937. Supreme Court of  
California. July 27<sup>th</sup> 1979].

Black Faculty Plaintiff's grievance was never filed  
by Kathy S. or Lewis Long Union defendants, after  
repeated requests to do so: (Government Code § 12920)  
(Government Code §§ 12961, 12965) The following dates  
(below) document my repeated requests too have my grievance  
filed;

32. However, too no avail:

Insert 1# September 24<sup>th</sup> 2009

September 30<sup>th</sup> 2009

April 29<sup>th</sup>, 2010

September 14<sup>th</sup> 2010

September 16<sup>th</sup> 2010

September 17<sup>th</sup>, 2010

November 2nd, 2011

(ICT 240-245)

(Exhibit: O<sub>2</sub>)

1  
2 33. Black faculty Plaintiff was accused of  
3 having "Excessive Absences" The sick time  
4 Black faculty Plaintiff used, is sick time I earned.  
5 I had no other recourse too escape the dean's  
6 administrative attack on me. The dean (defendant)  
7 took my Library 10 class away from me. I  
8 NEVER MISSED ANY CLASSES THAT I TAUGHT.

9 Black faculty Plaintiff has experienced a  
10 number of discrepancies with the administrative

11 34. assistant (Rosie). "Common Practice" when  
12 she signs Plaintiff's absent forms with the  
13 notation: "unavailable for signature". Black  
14 faculty Plaintiff has made this (repeated) request:  
15 that in order too confirm these alleged absences  
16 Black Plaintiff needs Human Resources too provide  
17 Black Plaintiff with the "original" Absent forms.  
18 (January 2009 to November 2010). to verify the  
19 dates and the signature i.e., Rosie signing in my stead.

20 35. (Black Faculty Plaintiff) made this request again  
21 too see the original documents at the termination  
22 hearing. Her request was denied. The judge said  
23 that the printed documents pertaining too Black Plaintiff  
24 sick time used "housed" at the Human Resources  
25 Saddleback college would suffice. State law requires  
26 that you (Plaintiff) be given a copy at your request of  
27 any job related document bearing your signature. Black  
28 Plaintiff was denied this basic right. (2 CT 589:4-25)  
(Exhibit: P)

1  
2 36. The "wrongful" Job Termination of Black  
3 Faculty Plaintiff Carol Elaine Wassmann was  
4 achieved by the (Socccd and union C.T.A") collectively  
5 filing well over 1,000 page documents to the Court  
6 to conceal the lies. Therefore, the Defendants  
7 in this case was granted summary judgment  
8 under false pretense. The (legal) timeline  
9 Job Termination had been egregiously violated.  
10 (Exhibit: Q )

11 37. The Socccd termination of Black faculty  
12 Plaintiff was not based upon, and could not have been  
13 based upon Plaintiff's academic performance. (Ex: R  
14 A pattern of deceit is evident when the Socccd  
15 Defendant tell Black faculty Plaintiff in the email.  
16 her case will not be addressed by the Board (Donald P.  
17 Wagner President), at the November 17<sup>th</sup> 2010 meeting.  
18 (Exhibit: S ) Contradiction ensues when Black Faculty  
19 Plaintiff is given a letter stating: YOU WILL BE TERMINATED  
20 AT THE BOARD OF TRUSTEES MEETING ON NOVEMBER 17<sup>th</sup> 2010.  
38 IT IS IMPOSSIBLE FOR BLACK FACULTY (Ex: T )

21 Plaintiff too defend her herself; if she  
22 does not have a seat at the table. I was told  
23 in writing there would be no meeting. Therefore i was  
24 a no-show. God told me this behaviour on the  
25 part of defendant is unlawful. My meeting  
26 with Roquemore President and Brumucci vice  
27 chancellor is unsuccessful too save my job.  
28 (Exhibit: U )

1  
2 39. On Thursday, August 11<sup>th</sup> 2011 @ 3:03 p.m.  
3 <sup>Insert #</sup> The Board of Trustees terminated my teaching  
4 Position. Black Faculty Plaintiff submitted her  
5 NOTICE OF OBJECTION TO THE STATEMENT OF DECISION  
6 TOO DISMISS On Thursday April 7<sup>th</sup> 2011.

7 Exhibit: ✓) The SOCCCD defendants violated  
8 California Education code: 87673. Black Faculty  
9 Plaintiff was not served within 30 days of the  
10 date of the service of the notice. (SEE EXHIBIT W)

11 40. : The SOCCCD Defendants are 126 days in  
12 <sup>Insert #</sup> violation of the 30 days RULE.

13 Black Faculty Plaintiff request under "Discovery"  
14 subpoena Board of Trustees" Minutes" for  
15 the following Date: Monday, August 30<sup>th</sup> 2010  
16 on a 5 to 4 vote with Trustee Fuentes being absent  
17 and President Donald P. Wagner casting a (-)  
18 negative vote, a faculty member was put on  
19 administrative leave, pending further action.

20 41. The SOCCCD was not in accordance with the  
21 <sup>Insert #</sup> procedure outlined in the California Education  
22 code: 87673 and the California Government  
23 code: 11506. (a) Within 15 days after service of the  
24 accusation the respondent may file with the  
25 agency a notice of defense in which the respondent  
26 may (2) object to the accusation upon the ground  
27 that it does not state acts or omissions upon which  
28 the agency may proceed. (Exhibit: see Exhibits  
Exhibit: W) I(1) I(2) I(3))

1  
2 42. Black Faculty Plaintiff is completely  
3 <sup>Insert 1#</sup>unaware of the allegations Dean Feldhus  
4 made at Plaintiff's termination hearing.  
5 Black Faculty Plaintiff is accused of wearing  
6 "Sun glasses" and that is deemed a violation (in the  
7 deans eyes). (4 CT 1005: 10-21), 4 CT 1039: 11-25).  
8 Black Faculty is accused of Slamming her office  
9 door repeatedly. Plaintiff did not slam her  
10 office door. (3 CT 711: 1-7)

11 43. Black Faculty Plaintiff's small (2oz) tube  
12 <sup>Insert 1#</sup>of hand cream ~~with~~ with a Playboy Bunny Logo  
13 is a violation. (3 CT 711: 16-19), (3 CT 772: 13-16).  
14 However, Black Faculty Plaintiff's small perfume  
15 bottle (on a book cart), is seen as an  
16 "Egregious" violation (3 CT 772: 13-16);  
17 (3 CT 773: 2-25) Miller vs. Chico Unified School  
18 Dist. 24 Cal. 3d 703 [S.F. No 23937, Supreme  
19 court of California. July 27, 1979.]

20 44. Black Faculty Plaintiff's Depositions:  
21 <sup>Insert 1#</sup>(12/21/2011) & (01/06/2012) Dean Feldhus Defendant  
22 whipped out her personal - cell phone a  
23 BlackBerry and shows pictures of Black Faculty  
24 Plaintiff's office -- after an OUTRENET  
25 PROGRAMME was very SUCCESSFUL. Plaintiff  
26 under "Discovery" subpoena Dean Feldhus  
27 defendant's BlackBerry cell phone records.  
28 Exhibit: X)

45. California Education Code 87678 states:

<sup>Insert ¶#</sup>  
"... the Governing board shall CERTIFY the matter to the Office of Administrative Hearings and request the appointment of an administrative law judge".

On the TIMELINE violation alone: California Education code (87734); (87666); Government code §(12920) Government code §§ 12961, 12965. Black Faculty Plaintiff wants the Court to STRIKE the Notice to correct Deficiencies from her record.

46. The SOCCCD & Union C.T. A Defendants achieved <sup>Insert 1#</sup> Summary Judgment (in their favour); based on hear-say. The Law in the United States is based on facts. The TIMELINE VIOLATION alone does not support this practice (Gain). (Exhibit: Y)

Therefore, Black Faculty Plaintiff wants the Court to STRIKE Summar Judgment from her record. And re-instated her tenure Teaching Job. including: a monetary award of all damages suffered by Plaintiff as a result of Defendant's actions.

47. In the Defendants deceitful actions.  
Inconsistent signatures appear on the signature  
page of the Notice to Correct Deficiencies.  
All efforts are made to hide the lapse of time-  
line by defendants. The signatures of the later  
date were submitted to the OAH; not the earlier  
document bearing Dixie Bullocks and Glen  
Boquenmore (President) signatures.

1  
2 48 The matter (Case No 2011060807) was heard  
3 before an administrative law judge in a five-day  
4 administrative hearing. (1 of 57:15)

5 More importantly, the first Administrative Law  
6 Judge: Honorable Amy Yearby (too look at the  
7 case) said on Friday, September 16<sup>th</sup>, 2011:

8 "... the charges do not rise to the level of  
9 insubordination." And the judge asked the  
10 SOCCCD Defendants to consider reinstating Carol.

11 The SOCCCD declined.  
12 <sup>149</sup> California Government Code (a) 11507.7 §  
13 (f) 11507.7 States: "... The administrative law  
14 judge shall no later than 15 days after the  
15 hearing make its order denying or granting  
16 the motion. January 17<sup>th</sup>, 2012 was the start date  
17 of a 5-day administrative hearing, ending on  
18 Tuesday, January 24<sup>th</sup>, 2012. Plaintiff's Termination  
19 was sustained AUGUST 28<sup>th</sup>, 2012. A violation of  
a seven (7) months time lapse.

20 50. Black Faculty Plaintiff wants the Court to  
21 <sup>Insert 1#</sup> STRIKE: Termination Sustained. Documentation,  
22 dated AUGUST 28<sup>th</sup>, 2012 Office of Administrative  
23 Hearings. The TIMELINE VIOLATION DOES NOT  
24 SUPPORT THIS ACTION. Black Faculty Plaintiff  
25 has been made to feel like a second class  
26 citizen. One Rule for White Folk, and  
27 one Rule for Black Folk. (me)

28 Exhibit: AA )

1  
2 51. Black Faculty Plaintiff's Doctor's Note was  
3 <sup>Insert ¶#</sup> given <sup>to</sup> David Urban (Socccd Attorney); via  
4 Dean Feldhus' "Blackbem" cellphone WITHOUT  
5 Black Faculty Plaintiff's permission too do so.  
6 9 CT 261b too 2618). Plaintiff's doctor's note  
7 was also given to Rosie Narrra's again WITHOUT  
8 Black Faculty Plaintiff's written permission.  
9 (Exhibit: B/B) (HIPAA) Pub.L 104-191, 110 Stat. 1936 (1996)

10  
11 52. Dean Karima Feldhus Defendant went  
12 <sup>Insert ¶#</sup> out of her way too " REMOVE " Black Faculty  
13 Plaintiff's MEDICAL RECORDS from Human  
14 Resources; after Black Faculty Plaintiff stated  
15 that the reason she delivered her doctor's  
16 note (personally) to Human Resources was  
17 to keep her medical information private.  
18 Dean Feldhus would not take this action  
19 with a white faculty member. (HIPAA Pub.L  
20 104-191, 110 Stat. 1936 (1996))

21 53. <sup>Insert ¶#</sup> The soccd Defendants ignored Black  
22 Faculty Plaintiff's request for "confirmation"  
23 in regards to her medical coverage status  
24 while Plaintiff was receiving unemployment  
25 benefits in 2011. Enrollment paperwork sent  
26 to Black Faculty Plaintiff was once again,  
27 sent after the (enrollment) deadline had  
28 passed (9 CT 2620-2621). violating Labour  
Code Section: 2800.2 (a) employer is solely responsible  
for notification of conversion coverage. (Exhibit: CC)

1  
2        "54. Under Discovery" Black Faculty Plaintiff  
3        <sup>Insert ¶#</sup> wants the Court too "Subpoena" the Nurse's  
4        hog-in Roster @ Irvine Valley College timeline  
5        September 2009 to November 2010. i.e.,  
6        Plaintiff went too the nurses station (on campus) too  
7        seek relief from the dean's harassment upon her  
8        arrival to the library dept in 2008. Feldhus was the  
9        6<sup>th</sup> dean in 5 years assigned too the library dept.

10  
11        "55. Black Faculty Plaintiff's visit too  
12        <sup>Insert ¶#</sup> the nurses station on campus was an  
13        attempt too remove myself from the  
14        Dean's Racial Harassment. On one occasion  
15        dean Karima Feldhus followed Black faculty  
16        Plaintiff too the RESTROOM. SHE WAITED OUTSIDE  
17        THE DOOR FOR ME TOO EXIT. A violation of the  
18        EQUAL Protection Clause when school officials are  
19        deliberately indifferent too known harassment.

20        "56. See, e.g., Murrell, 186 F.3d at 1250-51;  
21        <sup>Insert ¶#</sup> Bryant vs. Independent Sch. Dist. No. 1-38,334 F.3d  
22        928, 934 (10<sup>th</sup> Cir. 2003). Black faculty Plaintiff  
23        received a rude reply from Mr. David Bugay  
24        Director of Human Resources (for the school).  
25        Human Resources sent Plaintiff an out dated  
26        letter pertaining too her COBRA coverage. The  
27        letter is sent after the deadline too register (for  
28        enrollment) had passed (9 CT 2620-2621)  
(See Exhibit:cc )

1  
2 57. Defendants willfully violated: California  
3 <sup>Insert ¶#</sup> codes: 28000.2(a) pursuant to Part 6-1  
4 commencing with Section 12610 of division 2  
5 of the Insurance code or section 1373.6  
6 of the Health and Safety code. (b) Any  
7 employer, whether private or public, that  
8 provides hospital, medical or surgical expense  
9 coverage that a former employee may continue  
10 under section 4980B of Title 26 of the U.S. code,

11 58. <sup>Insert ¶#</sup> section 1161 et seq of Title 29 of the  
12 United States Code, or section 300bb of Title 42  
13 of the United States Code, (Public Law 99-272),  
14 COBRA. Notify the former employee of the  
15 availability of continuation coverage under  
16 Section 1373.62 of the Health and Safety code  
17 and Section 10116.5 and 11512.03 of the  
18 Insurance Code (a) and (b) shall also include  
19 the following notification:

20 59 "

21 <sup>Insert ¶#</sup> "Please examine your options carefully before  
22 declining this coverage."

23  
24 Black Faculty Plaintiff evidence (herein) proves  
25 that Black Faculty Plaintiff was NOT given this  
26 basic option.  
27 (Exhibit: DD)  
28

### **THIRD CAUSE OF ACTION**

THIRD CAUSE OF ACTION  
(Failure To Prevent Discrimination and Harassment  
in violation of (PERB) insert title of cause of action Plaintiff  
(As against Defendant(s): South Orange County Community  
College District et. al., Socced )

60. Plaintiff's ARBITRARY AND CAPRICIOUS  
Insert #  
TERMINATION, incorporate by reference all  
of the allegations of this Complaint as  
though fully set forth herein.

61. Because the so-called termination of Black Faculty Plaintiff was not based upon, and could not have been based upon Plaintiff's academic performance or conduct given her stellar records "OUT REACH PROGRAMMES" at the school. (Exhibit: EE )

19  
20 62. The soccd termination decision did not  
21 implicate the school's judgment or discretion  
22 with regard too Black Faculty Plaintiff's tenure  
23 status. Instead, the soccd made an unfair  
24 decision too breach it's obligations terminating  
25 Black Faculty Plaintiff in retaliation for this Black ♀  
26 reasonable concerns and response too the "statement  
27 g charges" "cooked-up" and Rebuffed through Plaintiff's  
28 five (5) Rebuttals. (See Exhibit: D)

1  
2 63 Under Discovery, Black Faculty Plaintiff  
3 <sup>Insert 1#</sup> wants the court too "subpoena" the "SOCCCD"  
4 Defendants employment Record for Anasa  
5 Sinegal part-time instructor. And more.  
6 Importantly the daughter of Jayne Sinegal  
7 Library chair. PERJURY ~~§~~ 118 Penal code).  
8 IN THE COURT OF APPEAL OF THE STATE OF  
9 CALIFORNIA -- FOURTH APPELLATE DISTRICT  
10 DIVISION THREE -- OPINION page: six (6) (Exhibit: FF)

11 64 The judgment CANNOT BE AFFIRMED  
12 <sup>Insert 1#</sup> On hear-say. Defendants Karima Felchus,  
13 Robert Brumucci and Glenn Roquemore  
14 presented too the court ONCE AGAIN  
15 Fraudulent documents: "... Wassmann Plaintiff)  
16 also testified one reason for turning down the  
17 request was that, Sinegal's daughter ANASA  
18 SINEGAL was going too be a student in the  
19 class.

20 65 Black Faculty Plaintiff knew that she  
21 <sup>Insert 1#</sup> would have been in a situation called:  
22 "DOUBLE JEOPARDY" if she agreed too teach  
23 that class. The chair's daughter was the  
24 "INSTRUCTOR" for the class NOT A STUDENT.  
25 Under DISCOVERY Plaintiff wants the court too  
26 "subpoena" the SOCCCD Defendants for the  
27 following; Essential Documents

1  
2 66. Under "DISCOVERY," Black Faculty Plaintiff  
3 <sup>Insert #</sup>waunts the court too "subpoena" the SOCCCD  
4 defendants for TIMELINE PERIOD of IVC IRVINE  
5 VALLEY COLLEGE CLASS schedule begining ANASA  
6 SINEGAL'S WORKLOAD All CLASSES TAUGHT BY  
7 HER. Anasa's signed i.e. signature Employment  
8 contract with the SOCCCD, Anasa's Tax  
9 Returns for the years 2010 and 2011.(W2).

10  
11 67. My heart sunk when i saw what they  
12 <sup>Insert #</sup>defendants had presented too the Court. The Court  
13 is not by design set-up too sustain and  
14 affirm judgement based on lies and deceit.  
15 Comprised of Missed processes, NO communication  
16 from the SOCCCD OR Union defendants C.T.A.  
17 The "Internal Processes" i.e. Board of Trustees  
18 BROKE DOWN, in Black Faculty Plaintiff's Case.

19  
20 68. Black Faculty Plaintiff's statement of  
21 <sup>Insert #</sup>facts: The United States Constitution requires  
22 "under the totality of the circumstances test,  
23 a single incident of racial harassment, if  
24 sufficiently severe, could give rise to a  
25 viable Title VII claims) Terry vs. Ashcroft 336 F.  
26 3d 128 (2d cir. 2003) ("[A] sufficiently severe  
27 episode may occur as rarely as once,

1  
2 69. while a relentless pattern of lesser racial  
3 <sup>Insert ¶#</sup> harassment that extends over a long period of  
4 time also violates the **Title VII** statute." <sup>18</sup>  
5 Bowen vs. Missouri Dep't of soc. servs., 311 F.3d 878,  
6 884 (8<sup>th</sup> Cir. 2002) ("A claimant need only  
7 establish discriminatory conduct which is  
8 either pervasive or severe."). Plaintiff seek  
9 declaratory and injunctive relief against the  
10 defendants for violating the Constitution.

11 70. United States Constitution, Civil Rights Act of  
12 <sup>Insert ¶#</sup> 1964, Public Law (78 Stat. 241).<sup>19</sup>

13 United States Constitution, Fifth and Fourteenth  
14 Amendments XV (1776). The primary legal disputes  
15 arising from Black Faculty Plaintiff's Complaint are:  
16 A) Whether Plaintiff's challenge is Renewable under  
17 the FEDERAL QUESTION Doctrine.

18 B) Whether Defendant's conduct warrants a  
19 declaratory judgment, under 28 U.S.C. § 2201 and 2202

20 (C) 71. Whether Defendants conduct warrents ALL THE  
21 <sup>Insert ¶#</sup> CHARGES AGAINST BLACK FACULTY Plaintiff Carol  
22 Elaine Wassmann VACATED and prohibiting  
23 Defendants and all those acting in concert with  
24 them from perlonging the Inviny Hell I am in  
25 "EXONERATED!"

26 Defendants violated California Education Code: 87612  
27 TIMELINE "..., impose penalties for a period not too exceed  
28 one year..." SIX Months passed a year <sup>6/30/2010 too</sup>  
Deadline <sup>12/31/2011</sup>

1  
2 72 Defendants (Socccd & union c.t.a) violated  
3 the California Education Code: 87674 Within  
4 30 days of the receipt by the district governing board  
5 of the employee's demand for a hearing the employee  
6 and the Board of Trustees Donald F. Wagner present  
7 shall agree upon an arbitrator to hear the matter.  
8 Black Faculty Plaintiff WAS NEVER OFFERED AN  
9 ARBITRATOR. Plaintiff under DISCOVERY request's  
10 the court to subpoena defendants as to why NONAME  
11 EXISTS? Board of Trustees Minutes will REVEAL the  
12 73 TRUTH behind the lies... Also, defendants violated  
13 the California Education Code: 87675 The  
14 arbitrator shall conduct proceedings in accordance  
15 with Chapter 5 (commencing with Section 1500)  
16 The above action was not available to "this Black  
17 ♀" Black Faculty Plaintiff was never offered an  
18 Arbitrator by the Board of Trustees OR the Union.  
19

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
74. The ~~soccce~~ & union C.T.A Defendants June  
12<sup>th</sup>, 2018 Public Opinion, publication is not legally  
sound: The "established" multiple violations i.e.  
Education Code and the California Education code  
Egregious timeline violations en-acted by the  
defendants historically and current ~~law practices~~  
does not support opinion affirmed and Summary  
judgment affirmed by the FOURTH DISTRICT COURT OF

1  
2 75. Appeal, Division 3. on June 21<sup>st</sup>, 2018;  
3 <sup>Insert 1#</sup> the document reads as follows:

4 "CERTIFIED" FOR PUBLICATION  
5 order Granting Request For Publication Ex: G(4)

6  
7 Black Faculty Plaintiff's wrongful job termination  
8 documents and processes CAN NEVER BE CERTIFIED  
9 because of the "Egregious" TIMELINE violations &  
10 institutional racial discrimination acts by both the  
11 school and union defendants. Case in point:

12 76 <sup>Insert 1#</sup> Black Faculty Plaintiff was required to  
13 file with the court substitute of attorney.

14 In the court of Appeal courtroom: (601 W. Santa  
15 Ana Blvd) in my fifteen (15) minute statement to  
16 the court, I told the Justices that Miss Amy  
17 Moolin CU ~~ESQ.~~ should not be allowed to speak.  
18 Mr. Zimmerman was no more; and she just appears  
19 one-day. Every word that came out of her mouth  
must be strike from the record. Ms CU did not file

20 <sup>77. Insert 1#</sup> for substitute of attorney. The defendants  
21 Council was served notice of the time and place of the  
22 hearing before the Justices; but did not file the  
23 necessary legal court documents. Ms CU's actions falls  
24 under NONAPPEARANCE. Under disrecrey Plaintiff wants  
25 the court to subpoena the CEO's of Schwartz,  
26 Steinsapir, Dohrmann & Sommers LLP to explain to  
the court why their attorney's are not required to  
file for: substitute of attorney?

1  
2 78. Therefore, in legal terms NO "ROA" FOR  
3 <sup>Insert ¶#</sup> Ms. Cu replacing Mr Zimmerman. This action is  
4 illegal. Black Faculty Plaintiff requests this court  
5 to ask this law firm to explain themselves.  
6 Black Faculty Plaintiff's Declaration is left in tact.  
7 (8 CT 2397 -2400). Defendants Objections to Carol  
8 Elaine Wassmann Plaintiff are "overruled" (9CT 2514)  
9 (April 15<sup>th</sup>, 2016 ROA: 271) (9CT 2484-2507).

10  
11 79. It is very important to note that Black  
12 <sup>Insert ¶#</sup> Faculty Plaintiff NEVER MISSED ANY OF HER LIB 10  
13 classes that she taught. Dean Feldhus took  
14 Lib 10 away from Black Faculty Plaintiff.

15 January 2013, my case (Nº 2011060807) was brought before  
16 the "Office of Administrative Hearings" (OAH) (Los Angeles Div)  
17 witness (from the SOCCCD) were brought to the "downtown"  
18 Courthouse, to testify against me.

19 AUGUST 29<sup>th</sup>, 2013 My Appeal was Denied by a temporary SIT

20 80. Judge; (Superior Court, Santa Ana). December  
21 <sup>11<sup>th</sup></sup> <sup>Insert ¶#</sup>, I filed a wrongful JOB Termination Law Suit  
22 against The SOCCCD & the Union (C.T.A) April 12<sup>th</sup> 2016  
23 Motion For Summary Judgment And/or Adjudication  
24 @ 8:30 a.m. (Superior Court: Santa Ana)

25 By "Law" I am allowed to "Review" and have  
26 "Access" to my case file:

27 Case Nº 2011060807. This was the 1<sup>st</sup> time in five  
28 (5) years that it seemed (as it say's in the Bible):

1  
2 81. "In the Beginning", so, it made sense to me  
3 <sup>Insert ¶#</sup> too ~~go~~ back to the "Office of Administrative  
4 Hearings" (OAH), to "EXAMINE" ALL the documents  
5 in my case file, something that I had NEVER  
6 done before.

7 I "Discovered a Multitude of Misconduct"  
8 Specifically:

9  
10 82 "Fabricated" Faculty Performance Evaluations  
11 <sup>Insert ¶#</sup> (2) "Blank" forms; i.e., "Objection to Dismiss." I signed  
12 this form; however, my signed document is missing  
13 from my file.

14  
15 (3) Inconsistent signatures on my Performance  
16 Evaluations.

17 I have requested an "Investigation" and the ability  
18 to "file a Complaint against the (OAH). This  
19 Extreme and Outrageous behaviour has been allowed  
20 to be displayed as A Public Record for five(s) years  
21 <sup>83</sup> There is a huge problem with the

22 <sup>Insert ¶#</sup> Preponderance of Evidence at the (OAH).  
23 Therefore, this evidence must be expunged  
24 immediately. (Exhibit: HH)

25 Black Faculty Plaintiff Carol Elaine  
26 Wassmann was "singled out" by the dean  
27 for Racial Discrimination in comparison to  
28 her White Counterparts. I.e., Lawrence "Larry"  
Kaufman. Senior Librarian / professor, engaging  
in Kiddy Porn.

1  
2  
3  
4  
5  
VI. REQUEST FOR RELIEF  
6  
7  
8  
9  
10

11 WHEREFORE, the Plaintiff requests:

12 84. Too Be Re-instated too her Tenure  
13 <sup>Insert ¶#</sup>  
14 Teaching position Librarian/Professor at  
15 Irvine) Valley community college:  
16 Carol Elaine Wassmann Librarian/Professor (Ex:H#)  
17  
18

19 85. Statutory violations By Defendant's actions  
20 <sup>Insert ¶#</sup>  
21 One Million Dollars (\$1,000,000) too be paid too  
22 Plaintiff Carol Elaine Wassmann every time the  
23 word California Government code and California  
24 Education code appears in defendant's court Documents  
25  
26

27 86. ALL Defendants Be Required too visit the  
28 <sup>Insert ¶#</sup>  
29 "...Museum of Tolerance..." / open 7-days-a-week  
30 Los Angeles / California 90036  
31  
32

33 87. For such other and further relief  
34 <sup>Insert ¶#</sup>  
35 as the Court may deem just and  
36 equitable.  
37  
38

## **VII. DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

Dated: September 22nd, 2022

Sign: Paul Blaine Wassmuss

Print Name: Carol Elaine Wassmann

Plaintiff in pro per

1 Name: Carol Elaine Wassmann

2 Address: P. O. Box 247

3 Dana Point, CA 92629

4 Phone: (949) 493-1908

5 Plaintiff In Pro Per

7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

10 CAROL ELAINE WASSMANN

Case No.:

(To be supplied by the Clerk)

11 PLAINTIFF,

) **COMPLAINT FOR: PLAINTIFF**

12 vs.  
SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

) CAROL ELAINE WASSMANN

) **COMPLAINT OF DISCRIMINATION:**

14 KARIMA FEUDHUS, ROBERT

) **EXHIBIT LIST AND**

15 BRUMUCCI, GLENN Rogermore

) (EXHIBITS A TOO HH)

16 LEWIS LONG, KATHERINE

17 SCHMEIDLER and Does 1

) **Jury Trial Demanded**

18 Through 50 inclusive

) DEFENDANT(S).

20 Pursuant to California code of civil Procedure  
21 Section 431c(b)(1) and (d), and California Rule of Court  
22 3 1350, Plaintiff Carol Elaine Wassmann hereby  
23 submits the following Evidence in support of:

24 (1) Accompanying Plaintiff Carol Elaine Wassmann's  
25 complaint (and Summons); Exhibit List and Exhibits

27 (2) Complaint of Plaintiff Carol Elaine Wassmann,  
28 In Pro Per, with the following exhibits attached:

1 Exhibit A: True and correct copy of Public  
2 Employment Relations Board --  
3 WARNING LETTERS  
4

5 Exhibit B: True and correct copy of Plaintiff's  
6 EXCELLENT evaluation PERFORMANCE  
7 letter to Glenn Roquemore College  
8 President.  
9

10 Exhibit C: True and correct copy of Plaintiff's  
11 email (Request for Confirmation) to  
12 Human Resources Director: David  
13 BUGAY  
14

15 Exhibit D: True and correct copy of Plaintiff's  
16 Rebuttals through Court Transcripts (CT)  
17

18 Exhibit E: True and correct copy of  
19 (Excerpt) California Education Code:  
20 (87734)  
21

22 Exhibit F: True and correct copy of (Excerpt)  
23 "Egregious" violation directed harm at  
24 Plaintiff through Court Transcripts  
25 (4 CT 1005: 10-21) (4 CT 1039: 11-25)  
26 (3 CT 711: 1-7) (3 CT 771: 16-19)  
27 (3 CT 772: 13-16) (3 CT 773: 2-25)  
28

1 Exhibit G: (Excerpt) True and correct copy:  
2 Cover Sheet of the  
3 Office of Administrative Hearings.  
4 (OAH) Transcript of Proceedings

5 Exhibit H: True and correct copy Plaintiff's  
6 emails to Cheryl Shelly kcsheley@  
7 perb.ca.gov and Kathryn Schmedier  
8 (Defendant) that coincides with  
9 Timeline violation of California Education  
10 code: 87734

11 Exhibit I: True and correct copy of  
12 United States Calendar for Year: 2010  
13 United States Calendar for Year: 2011  
14 United States Calendar for Year 2012

15 Exhibit J: True and correct copy (Excerpt) of:  
16 Notice to Correct Deficiencies -  
17 Unsatisfactory Performance and  
18 Unprofessional conduct by Defendants  
19 violating California Education Code:  
20 87734 & 87735, 90-Day Deadline had  
21 Expired.

22 And  
23 (Excerpt) True and correct copy of  
24 Plaintiff's email that coincides  
25 with verifying that the 90-Day  
26 Deadline had Expired.  
27

1 Exhibit K: True and correct copy of letter  
2 from Human Resources; placing Plaintiff  
3 on unauthorized Administrative Leave  
4 And

5 Plaintiff's email True and Correct copy  
6 that coincides with the President's  
7 Secretary (Sandy Jeffries) email that  
8 CONTRADICTS the Administrative  
9 leave Process.

10 Exhibit L: True and correct copy of  
11 Plaintiff's email to Defendants  
12 Kathy Schmeidler, Lewis Long and  
13 Karima Feldhus; subject:  
14 Harassment (October 6<sup>th</sup>, 2010)

15 Exhibit M: True and correct copy of  
16 Plaintiff's email documenting  
17 Plaintiff's visits to the  
18 (Nurses station) Headaches.

19 Exhibit N: True and correct copy of  
20 Court Transcripts: (Excerpt)  
21 Dean waited Nine (9) months to  
22 respond to Black Faculty Plaintiff  
23 about the Fumes and Odor entering  
24 her office from the Staff REST ROOM.

1 Exhibit O: (Excerpt) True and correct copy of Plaintiff  
2 PERB Filing too have her GRIEVANCE FILED  
3 By the Union; too no avail.

4  
5 Exhibit P: True and correct copy of Plaintiff's letter  
6 too President Roquemore (Defendant)  
7 pertaining too "discrepancies" with  
8 Absence Verification Forms.

9  
10 Exhibit Q: (Excerpt) True and correct copy of  
11 California Education Code: 871737.

12  
13 Exhibit R: True and correct copies of (Black) Plaintiff's  
14 email too Dept. Chair Jayne Sinegal describing  
15 yet again a successful outreach  
16 programme at Hillview High school.

17  
18 Exhibit S: True and correct copy of Executive  
19 Assistant too the President Sandy  
20 Jeffries' email too (Black) Faculty Plaintiff.

21  
22 Exhibit T: True and correct copy of (Excerpt)  
23 President Roquemore's letter too Black  
24 Faculty Plaintiff contradicts the JOB  
25 Termination process

1 Exhibit U: True and correct copy of:  
2 Flow Chart of Events By (Plaintiff)  
3 Carol Elaine Wassmann

4 Exhibit V: True and correct copy of Black (Faculty)  
5 Plaintiff's OBJECTION TO THE:  
6 NOTICE OF OBJECTION TO THE STATEMENT TO  
7 DECISION TO DISMISS" signed and Dated.

8 Exhibit W: (Excerpt) True and correct copy of  
9 California Government Code:  
10 11506 and;  
11 California Education code:  
12 87673 & 87678

13 Exhibit X: True and correct copy of picture.  
14 By Black (Faculty) Plaintiff showing  
15 just some of the materials needed  
16 for her OUTREACH PROGRAMMES @ the  
17 Hillview High School Continuation  
18 School.

19 Exhibit Y: True and correct copy of Court  
20 Transcripts (Excerpt) documenting  
21 foul-play on the part of  
22 defendants' deceitful actions.

1 Exhibit Z: True and correct copy of court  
2 Transcripts (Excerpt) documenting  
3 Evidence at the OAH is  
4 Tainted.

5 Exhibit AA: (Excerpt) True and correct copy  
6 of California Government Code: 11507.7 (F)

7 Exhibit BB: True and correct copy of David  
8 A. Urban in possession of Black  
9 (Faculty) Plaintiff's Doctor's Note  
10 via Dean's school emails  
11 via Blackberry Cellphone.

12 Exhibit CC: True and correct copy of "Expired"  
13 Health coverage letter sent to  
14 Black (Faculty) Plaintiff via  
15 Human Resources

16 Exhibit DD: True and correct copy of  
17 Rules that prohibit anything to be filed  
18 after the period has EXPIRED.

19 Exhibit EE: True and correct copy of Black  
20 (Faculty) Plaintiff's email sent  
21 to Urban Chair Jayne Sinegal  
22 describing OUTREACH School ACTIVITIES  
23 UP-coming.

1 Exhibit FF: True and correct copy of:

2 Excerpt in the Court of the State of  
3 California : FOURTH APPELLATE  
4 DISTRICT DIVISION THREE

5 Exhibit GG: True and correct copy of:

6 PROOF OF SERVICE;  
7 Request for Publication of  
8 June 12<sup>th</sup>, 2018 Appellate  
9 Opinion.

10 Exhibit HH: True and correct copy of

11 Black (Faculty) Plaintiff  
12 Carol Elaine Wassmann (Prior)  
13 Professional Business card.

14  
15  
16  
17  
18 DATED: September 22nd, 2022

19  
20 I declare under penalty of perjury  
21 under the laws of the state of  
22 California that the foregoing is true  
23 and correct.

24  
25 Carol Elaine Wassmann

26  
27 By CAROL ELAINE WASSMANN  
28 (IN PRO PER)

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

**PUBLIC EMPLOYMENT RELATIONS BOARD**



Sacramento Regional Office  
1031 18th Street  
Sacramento, CA 95811-4124  
Telephone: (916) 327-8386  
Fax: (916) 327-6377



April 3, 2014

Michelle Hill, Attorney  
Hill Law Firm  
1235 Harbor Boulevard  
Fullerton, CA 92832

Re: *Carol Elaine Wassmann v. South Orange County Community College District*  
Unfair Practice Charge No. LA-CE-5851-E  
**WARNING LETTER**

Dear Ms. Hill:

The above-referenced unfair practice charge was filed with the Public Employment Relations Board (PERB or Board) on September 19, 2013. Carol Elaine Wassmann (Wassmann or Charging Party) alleges that the South Orange County Community College District (District or Respondent) violated the Educational Employment Relations Act (EERA or Act)<sup>1</sup> by discriminating against her based on her age, race and gender.

In the charge, Charging Party states:

I believe I was discriminated against because of my race, black; sex, female; and color, in violation of Title VII of the Civil Rights Act of 1964; and my age, 62, in violation of the Age Discrimination in Employment Act of 1976, as amended.

In support of her contention, Charging Party attached 24 exhibits totaling over 500 pages to her unfair practice charge.

PERB Regulation 32615(a)(5) requires, *inter alia*, that an unfair practice charge include a "clear and concise statement of the facts and conduct alleged to constitute an unfair practice." The Charging Party should include facts alleging the "who, what, when, where and how" of an unfair practice. (*State of California (Department of Food and Agriculture)* (1994) PERB Decision No. 1071-S, citing *United Teachers-Los Angeles (Ragsdale)* (1992) PERB Decision No. 944.) Mere legal conclusions are not sufficient to state a *prima facie* case. (*Ibid.*; *Charter Oak Unified School District* (1991) PERB Decision No. 873.)

The charging party's burden also includes alleging facts showing that the unfair practice charge was timely filed; i.e., that the alleged unfair practice occurred no more than six months

<sup>1</sup> EERA is codified at Government Code section 3540 et seq. The text of the EERA and PERB Regulations may be found at [www.perb.ca.gov](http://www.perb.ca.gov).

Exhibit: A (1)

LA-CE-5851-E

April 3, 2014

Page 2

prior to the filing of the charge. (*Los Angeles Unified School District* (2007) PERB Decision No. 1929; *City of Santa Barbara* (2004) PERB Decision No. 1628-M.) PERB is prohibited from issuing a complaint with respect to any charge based upon an alleged unfair practice occurring more than six months prior to the filing of the charge. (*Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072.) The limitations period begins to run once the charging party knows, or should have known, of the conduct underlying the charge. (*Gavilan Joint Community College District* (1996) PERB Decision No. 1177.) In cases alleging a breach of the duty of fair representation, the six month statutory limitations period begins to run on the date when the charging party, in the exercise of reasonable diligence, knew or should have known that further assistance from the union was unlikely." (*United Faculty of Grossmont-Cuyamaca Community College District (Tarvin)* (2010) PERB Decision No. 2133.)

As written, the charge contains no statement of facts whatsoever to determine whether an unfair labor practice occurred. The charge contains no date to show that the unfair practice charge was timely filed.

Moreover, PERB's jurisdiction is limited to the determination of unfair practice charges arising under the EERA and other public sector employer-employee relations statutes which it administers. PERB does not have jurisdiction over employment-related discrimination claims arising under California's Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) which is enforced by the Department of Fair Employment and Housing and California courts. (*Baldwin Park Education Association (Hayek, et al.)* (2011) PERB Decision No. 2223.) Likewise, PERB lacks jurisdiction over claimed violations of the United States and California Constitutions as well as a variety of federal statutes which protect employees, including Title VII of the Civil Rights Act of 1964. (*Housing Authority of the City of Los Angeles* (2011) PERB Decision No. 2166-M; *California School Employees Association, Chapter 245 (Waymire)* (2001) PERB Decision No. 1448.) Charging Party alleges that she was discriminated against based on her race, gender and age. Based the foregoing case law, PERB lacks jurisdiction over Charging Party's allegations.

For these reasons the charge, as presently written, does not state a *prima facie* case.<sup>2</sup> If there are any factual inaccuracies in this letter or additional facts that would correct the deficiencies explained above, Charging Party may amend the charge. The amended charge should be prepared on a standard PERB unfair practice charge form, clearly labeled First Amended Charge, contain all the facts and allegations you wish to make, and be signed under penalty of

<sup>2</sup> In *Eastside Union School District* (1984) PERB Decision No. 466, the Board explained that a *prima facie* case is established where the Board agent is able to make "a determination that the facts as alleged in the charge state a legal cause of action and that the charging party is capable of providing admissible evidence in support of the allegations. Consequently, where the investigation results in receipt of conflicting allegations of fact or contrary theories of law, fair proceedings, if not due process, demand that a complaint be issued and the matter be sent to formal hearing." (*Ibid.*)

Exhibit: A(2)

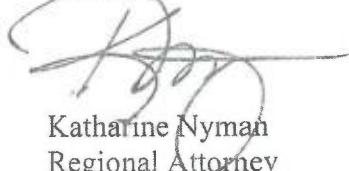
LA-CE-5851-E

April 3, 2014

Page 3

perjury by an authorized agent of Charging Party. The amended charge must have the case number written on the top right hand corner of the charge form. The amended charge must be served on the Respondent's representative and the original proof of service must be filed with PERB. If an amended charge or withdrawal is not filed on or before April 16, 2014,<sup>3</sup> PERB will dismiss your charge. If you have any questions, please call me at the above telephone number.

Sincerely,



Katharine Nyman  
Regional Attorney

KN

---

<sup>3</sup> A document is "filed" on the date the document is **actually received** by PERB, including if transmitted via facsimile. (PERB Regulation 32135.)

Exhibit: A(3)

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On April 3, 2014, I served the Letter regarding Case No. LA-CE-5851-E on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Michelle Hill, Attorney  
Hill Law Firm  
1235 Harbor Boulevard  
Fullerton, CA 92832

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2014, at Sacramento, California.

Jessica Kloepf  
(Type or print name)

Jessica Kloepf  
(Signature)

Exhibit: A (4)

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

**PUBLIC EMPLOYMENT RELATIONS BOARD**



Sacramento Regional Office  
1031 18th Street  
Sacramento, CA 95811-4124  
Telephone: (916) 327-8386  
Fax: (916) 327-6377



April 10, 2014

Michelle Hill, Attorney  
Hill Law Firm  
1235 Harbor Boulevard  
Fullerton, CA 92832

Re: *Carol Elaine Wassmann v. South Orange County Community College District Faculty Association*  
Unfair Practice Charge No. LA-CO-1592-E  
**WARNING LETTER**

Dear Ms. Hill:

The above-referenced unfair practice charge was filed with the Public Employment Relations Board (PERB or Board) on September 19, 2013. Carol Elaine Wassmann (Wassmann or Charging Party) alleges that the South Orange County Community College District Faculty Association (Association or Respondent) violated the Educational Employment Relations Act (EERA or Act)<sup>1</sup> by failing to assist her from being discriminated against by her employer based on her age, gender and race.

The charge states in its entirety that:

I believe I was discriminated against because of my race, black; sex, female; and color, in violation of Title VII of the Civil Rights Act of 1964; and my age, 62, in violation of the Age Discrimination in Employment Act of 1976, as amended.

In support of her contention, Charging Party attached over 100 exhibits totaling over 500 pages to her unfair practice charge. The only references that appear to pertain to the Association are references to a grievance that Charging Party wanted filed on her behalf dated September 11, 2009.

On October 5, 2013, Charging Party filed an addendum to her original unfair practice charge. In the addendum, Charging Party states that:

The following dates (below) document "my repeated requests to have my grievance filed; however to no avail."

<sup>1</sup> EERA is codified at Government Code section 3540 et seq. The text of the EERA and PERB Regulations may be found at [www.perb.ca.gov](http://www.perb.ca.gov).

*Exhibit: A(5)*

LA-CO-1592-E  
April 10, 2014  
Page 2

September 24, 2009  
September 30, 2009  
April 29, 2010  
September 14, 2010  
September 16, 2010  
September 17, 2010  
November 2, 2011

Discussion

PERB Regulation 32615(a)(5) requires, *inter alia*, that an unfair practice charge include a “clear and concise statement of the facts and conduct alleged to constitute an unfair practice.” The Charging Party should include facts alleging the “who, what, when, where and how” of an unfair practice. (*State of California (Department of Food and Agriculture)* (1994) PERB Decision No. 1071-S, citing *United Teachers-Los Angeles (Ragsdale)* (1992) PERB Decision No. 944.) Mere legal conclusions are not sufficient to state a *prima facie* case. (*Ibid.*; *Charter Oak Unified School District* (1991) PERB Decision No. 873.)

The charging party’s burden also includes alleging facts showing that the unfair practice charge was timely filed; i.e., that the alleged unfair practice occurred no more than six months prior to the filing of the charge. (*Los Angeles Unified School District* (2007) PERB Decision No. 1929; *City of Santa Barbara* (2004) PERB Decision No. 1628-M.) PERB is prohibited from issuing a complaint with respect to any charge based upon an alleged unfair practice occurring more than six months prior to the filing of the charge. (*Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072.) The limitations period begins to run once the charging party knows, or should have known, of the conduct underlying the charge. (Gavilan Joint Community College District (1996) PERB Decision No. 1177.) “In cases alleging a breach of the duty of fair representation, the six month statutory limitations period begins to run on the date when the charging party, in the exercise of reasonable diligence, knew or should have known that further assistance from the union was unlikely.” (*United Faculty of Grossmont-Cuyamaca Community College District (Tarvin)* (2010) PERB Decision No. 2133.)

Moreover, PERB’s jurisdiction is limited to the determination of unfair practice charges arising under the EERA and other public sector employer-employee relations statutes which it administers. PERB does not have jurisdiction over employment-related discrimination claims arising under California’s Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) which is enforced by the Department of Fair Employment and Housing and California courts. (*Baldwin Park Education Association (Hayek, et al.)* (2011) PERB Decision No. 2223.) Likewise, PERB lacks jurisdiction over claimed violations of the United States and California Constitutions as well as a variety of federal statutes which protect employees, including Title VII of the Civil Rights Act of 1964. (*Housing Authority of the City of Los Angeles* (2011) PERB Decision No. 2166-M; *California School Employees Association, Chapter 245 (Waymire)* (2001) PERB Decision No. 1448.) Charging Party alleges that she was

Exhibit: A (6)

LA-CO-1592-E  
April 10, 2014  
Page 3

discriminated against based on her race, gender and age. Based the foregoing case law, PERB lacks jurisdiction over Charging Party's allegations.

It appears that Charging Party might also be alleging that the exclusive representative denied Charging Party the right to fair representation guaranteed by EERA section 3544.9 and thereby violated section 3543.6(b). The duty of fair representation imposed on the exclusive representative extends to grievance handling. (*Fremont Unified District Teachers Association, CTA/NEA (King)* (1980) PERB Decision No. 125; *United Teachers of Los Angeles (Collins)* (1982) PERB Decision No. 258.) In order to state a *prima facie* violation of this section of EERA, Charging Party must show that the Respondent's conduct was arbitrary, discriminatory, or in bad faith. In *United Teachers of Los Angeles (Collins)*, the Public Employment Relations Board stated:

Absent bad faith, discrimination, or arbitrary conduct, mere negligence or poor judgment in handling a grievance does not constitute a breach of the union's duty. [Citations omitted.]

A union may exercise its discretion to determine how far to pursue a grievance in the employee's behalf as long as it does not arbitrarily ignore a meritorious grievance or process a grievance in a perfunctory fashion. A union is also not required to process an employee's grievance if the chances for success are minimal. [Citations omitted.]

In order to state a *prima facie* case of arbitrary conduct violating the duty of fair representation, a Charging Party:

must at a minimum include an assertion of sufficient facts from which it becomes apparent how or in what manner the exclusive representative's action or inaction was without a rational basis or devoid of honest judgment.

(*Reed District Teachers Association, CTA/NEA (Reyes)* (1983) PERB Decision No. 332, p. 9, quoting *Rocklin Teachers Professional Association (Romero)* (1980) PERB Decision No. 124; emphasis in original.)

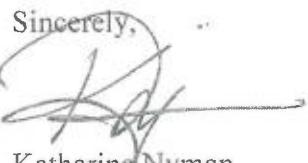
With regard to when "mere negligence" might constitute arbitrary conduct, the Board observed in *Coalition of University Employees (Buxton)* (2003) PERB Decision No. 1517-H that, under federal precedent, a union's negligence breaches the duty of fair representation "to cases in which the individual interest at stake is strong and the union's failure to perform a ministerial act completely extinguishes the employee's right to pursue his claim." (Quoting *Dutrisac v. Caterpillar Tractor Co.* (9th Cir. 1983) 749 F.2d 1270, at p. 1274; see also *Robesky v. Quantas Empire Airways, Ltd.* (9th Cir. 1978) 573 F.2d 1082.)

Exhibit: A (7)

LA-CO-1592-E  
April 10, 2014  
Page 4

To the extent Charging Party alleges that the Association failed to adequately address her grievance or breached its duty of fair representation, such conduct appears to fall outside of PERB's statute of limitations. The charge was filed on September 9, 2013. Therefore, the six-month statute of limitations prohibits PERB from issuing a complaint in this case based on alleged conduct that occurred before May 9, 2013. All the conduct cited by Charging Party that involved communication with the Association occurred between September 11, 2009 and November 2, 2011, nearly two years prior to the filing of the charge. Therefore, any allegation that the Association failed to adequately pursue or handle a grievance on behalf of Charging Party appears untimely and must be dismissed.

For these reasons the charge, as presently written, does not state a *prima facie* case.<sup>2</sup> If there are any factual inaccuracies in this letter or additional facts that would correct the deficiencies explained above, Charging Party may amend the charge. The amended charge should be prepared on a standard PERB unfair practice charge form, clearly labeled First Amended Charge, contain all the facts and allegations you wish to make, and be signed under penalty of perjury by an authorized agent of Charging Party. The amended charge must have the case number written on the top right hand corner of the charge form. The amended charge must be served on the Respondent's representative and the original proof of service must be filed with PERB. If an amended charge or withdrawal is not filed on or before April 23, 2014,<sup>3</sup> PERB will dismiss your charge. If you have any questions, please call me at the above telephone number.

Sincerely,  


Katharine Nyman  
Regional Attorney

KN

---

<sup>2</sup> In *Eastside Union School District* (1984) PERB Decision No. 466, the Board explained that a *prima facie* case is established where the Board agent is able to make "a determination that the facts as alleged in the charge state a legal cause of action and that the charging party is capable of providing admissible evidence in support of the allegations. Consequently, where the investigation results in receipt of conflicting allegations of fact or contrary theories of law, fair proceedings, if not due process, demand that a complaint be issued and the matter be sent to formal hearing." (*Ibid.*)

<sup>3</sup> A document is "filed" on the date the document is **actually received** by PERB, including if transmitted via facsimile. (PERB Regulation 32135.)

Exhibit: A (8)

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On April 10, 2014, I served the Letter regarding Case No. LA-CO-1592-E on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Michelle Hill, Attorney  
Hill Law Firm  
1235 Harbor Boulevard  
Fullerton, CA 92832

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 10, 2014, at Sacramento, California.

James Coffey  
(Type or print name)

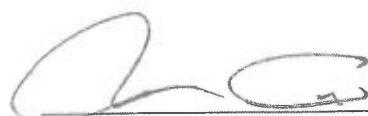
  
(Signature)

Exhibit: A (9)



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TDD 800-700-2320  
www.dfeh.ca.gov email: contact.center@dfeh.ca.gov

ACTING DIRECTOR ANNMARIE BILLOTTI

November 17, 2014

Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

**RE: CERTIFICATION IN RESPONSE TO PUBLIC RECORDS REQUEST**

PRA Request No.: 416595-135169

DFEH Matter No.: 19171280944

Records of: Wassmann v. Irvine Valley College

This notice is in response to your request for public documents pursuant to the provisions of the California Public Records Act, Government Code section 6250 et seq. The Department of Fair Employment and Housing (DFEH) has processed your request for public records pursuant to Government Code section 6250 et seq. Please find a copy of the records requested in the above-referenced inquiry. Portions of the file may have been redacted pursuant to Government Code section 6254 et seq. and Civil Code section 1798 et seq. I hereby certify and declare that I am the duly authorized custodian of records for the DFEH.

- The accompanying records are true and correct copies of records kept in the regular course and scope of the business of the DFEH and constitute the complete investigation record of the case, with the exception of the following: information concerning offers and counter-offers made in an attempt to resolve the matter; information on formal conciliation efforts; material accepted under an agreement that it would be confidential pursuant to Government Code section 12932, subdivision (b); attorney work product and privileged communication; and, unless this disclosure is made to a party to an EEOC charge, any information that would reveal a charge filed with the U.S. Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, unless a lawsuit under Title VII has been filed on the subject case.
- I have performed a search of the files and computer records maintained by the DFEH. I certify that no records exist which are responsive to the request.
- The records requested were destroyed pursuant to the DFEH's three year retention policy.
- You have requested a copy of a file that is still open and under investigation. Please be advised that pursuant to Government Code section 6254 et seq., and Civil Code section 1798.40, the Department of Fair Employment and Housing does not produce any information contained in its active case files. You may resubmit your request for the records after the case has been closed.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief. Executed on November 17, 2014.

Renee Richardson  
Custodian of Record

Exhibit: A (10)



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758  
800-BR4-1684 | Videophone 916-228-5295 | TTY 200-760-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact\\_center@dfch.ca.gov](mailto:contact_center@dfch.ca.gov)

RECEIVED  
DEPT. OF FAIR EMPLOYMENT & HOUSING

Dec 02, 2013

RE: Notice of Filing of Discrimination Complaint  
DFEH Matter Number: 192423-81197-R  
Right to Sue: Wassmann / South Orange County Community College District

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by the DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

Exhibit: A (11)



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact\\_center@dfeh.ca.gov](mailto:contact_center@dfeh.ca.gov)

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR PHYLLIS W. CHENG

December 12, 2013

Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 191712-80944-R  
Right to Sue: Wassmann / Irvine Valley College, Lewis Long

Dear Carol Wassmann:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Dec 12, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

**This letter is also your Right to Sue notice.** According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: Irvine Valley College Long  
Katherine Schmeidler Irvine Valley College  
Robin Devitt Irvine Valley College

Exhibit: A (12)



STATE OF CALIFORNIA | Department of Fair Employment and Housing

EMPLOYMENT RIGHT TO SUE

**AMENDED COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
**191712-80944-R**

COMPLAINANT  
Carol Wassmann

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
Irvine Valley College Lewis Long	5500 Irvine Center Drive Irvine CA 92618	(949) 451-5100

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
0	Aug 20, 2013	

CO-RESPONDENT(S)	ADDRESS
------------------	---------

Katherine Schmeidler Irvine Valley College	5500 Irvine Center Drive Irvine CA 92618
---	--

Robin Devitt Irvine Valley College	11745 East Telegraph Road Santa Fe Springs CA 90670
------------------------------------	---

DATE FILED Dec 12, 2013  
AMENDED Dec 12, 2013

REVISED SEPTEMBER  
2013  
PAGE 1/3

Exhibit: A (13)



STATE OF CALIFORNIA | Department of Fair Employment and Housing

## EMPLOYMENT RIGHT TO SUE

**AMENDED COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH NUMBER  
191712-80944-R

I ALLEGED THAT I EXPERIENCED Discrimination, Harassment  
ON OR BEFORE Aug 20, 2013  
BECAUSE OF MY Age - 40 and over, Color, Race  
AS A RESULT, I WAS Denied a good faith interactive process, Terminated, Other My grievance was never filed.

STATEMENT OF FACTS

DATE FILED Dec 12, 2013  
AMENDED Dec 12, 2013

REVISED SEPTEMBER  
2013  
PAGE 2/3

Exhibit: A (14)



STATE OF CALIFORNIA | Department of Fair Employment and Housing

EMPLOYMENT RIGHT TO SUE

**AMENDED COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
191712-80944-R

**SIGNED UNDER PENALTY OF PERJURY**

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Carol Wassman, Complainant, and dated on December 12, 2013 at .

*Exhibit: A (15)*

(949) 451-5788

.CAROL WASSMANN.

Professor • Librarian  
Irvine Valley College  
Department of Library Services  
5500 Irvine Center Drive, Irvine CA 92618

cwassmann@ivc.edu

November 19, 2010

Dr. Glenn R. Roquemore, President  
Irvine Valley College  
5500 Irvine Center Drive  
Irvine, CA 92618

Via Personal Service

Re: Carol Wassmann; Response to intent to Recommend Dismissal

Dear President Roquemore:

I respectfully submit the following response to the Statement of Charges pending against me. I want you and the Board to know that my position here with South Orange County Community College District is extremely important to me, and I both value and honor my job and this District and the fine work we do providing a valuable education to thousands of students across Orange County.

During my tenure here, I have never been knowingly insubordinate or rude to anyone, nor ever failed to conduct myself in a professional manner. In fact, a knowing review of my Annual Performance Evaluations for the past thirteen (13) years shows that I have consistently displayed a professional, dedicated and loyal attitude to this school district, my colleges and most importantly the students we serve.

Since Dean Feldhus has come back to IVC, she has disliked me for reasons other than my performance, and has acted in a hostile and discriminatory manner towards me which has resulted in these [largely] fabricated charges in spite of a very good review for 2009, and of course, for the numerous years before, amassing numerous EXCELLENT evaluations over and over again. In spite of this rather open hostility towards me, because I so value my position here, I have swallowed my pride, done my job, followed the dean's orders and attempted to perform according to her expectations.

In short, I humbly ask that you review my response, and re-evaluate your tentative decision to recommend my termination, and instead implement some changes in my reporting structure, or to whom I report because I fully believe that I have valuable contributions that I can [in the future] make to this District and to this student body. If you feel that a restructuring or reassignment is not possible, I will make every effort to work with Dean Feldhus in a constructive, professional, dignified manner in the future.

Thank you,

  
CAROL WASSMANN,  
IVC PROFESSOR, LIBRARIAN

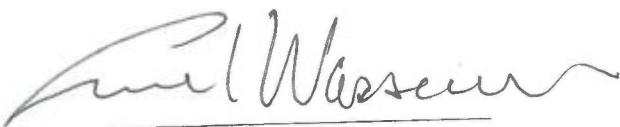
Enclosures: Response to Statement of Charges, appendix of exhibits.

Exhibit: B (1)

forth in the governing documents, and will work with any dean necessary to continue to provide valuable service to the school, staff and student body.

I humbly ask that my employment not be terminated, that the above allegations and the denials thereof in part and acceptance of some mistakes in part do not rise to the level necessary to terminate my employment from the District. I pledge to improve my performance where necessary and work within the system to better relations with my colleagues and supervisors and continue to improve our wonderful library for all students and community.

Dated: 11/19/10



CAROL WASSMANN  
PROFESSOR/LIBRARIAN

Exhibit: B(2)

## RE: Request for Confirmation

David Bugay

**Sent:** Thursday, August 11, 2011 3:03 PM

**To:** Carol Wassmann

---

The Board of Trustees terminated your position. Please review the documents you received.

Dr. David Bugay  
Vice Chancellor Human Resources  
South Orange County Community College District  
28000 Marguerite Parkway  
Mission Viejo, California 92692-3635  
[dbugay@socccd.edu](mailto:dbugay@socccd.edu)

CONFIDENTIALITY NOTICE: This communication and any documents, files, or previous e-mail messages attached to it constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient (s). The unlawful interception, use, or disclosure of such information is strictly prohibited under 18 USCA 2511 and any applicable laws. If you are not the intended recipient, or have received this communication in error, please notify the sender immediately by reply e-mail or by telephone at (949) 582-4699 and delete all copies of this communication, including attachments, without reading them or saving them to disk. Thank you.

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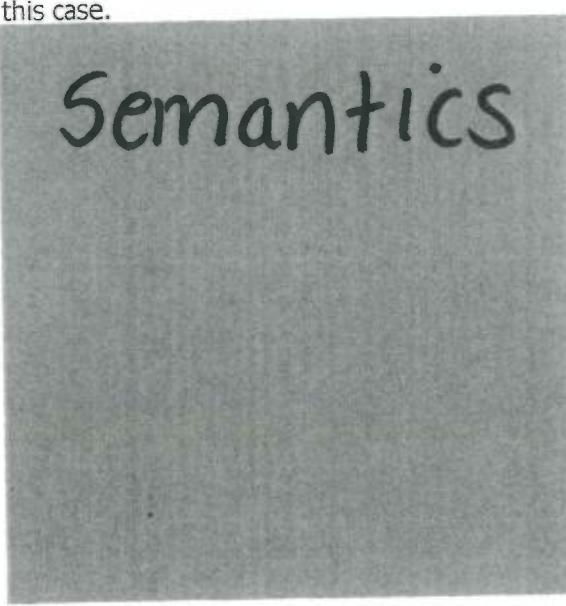
**From:** Carol Wassmann  
**Sent:** Thursday, August 04, 2011 10:30 PM  
**To:** David Bugay  
**Subject:** Request for Confirmation

Dear Dr. Bugay,

I have been informed that the Office of Administrative Hearing has scheduled my actual case to begin on January 17, 2012. There are also some preliminary hearings scheduled previous to the January 2012 date. I have a letter dated November 15, 2010, stating that I am on paid Administrative Leave, and have no other correspondence from you stating otherwise. The purpose of this correspondence is to confirm my paid administrative leave status until the final disposition of this case.

Sincerely,

Carol Wassman  
Professor/Librarian



Semantics

Exhibit: C (1)

## RE: Request for Confirmation

Carol Wassmann

**Sent:** Wednesday, August 17, 2011 4:14 PM

**To:** David Bugay

---

Dear Dr. Bugay,

Thank you for responding to my email (August 4th, 2011). I have no idea what documents you are referring to, and you provide no dates. Please forward a copy of the documents that you wish for me to review.

My initial inquiry to you specifically relates to my compensation. Are you the person who would address this issue, or do I have to speak with someone else?

Note: We are now past the August 15th, 2011 contract, it is imperative that I receive notification regarding my compensation status.

Can you provide me with documentation (for the board's decision) to take me off paid administrative leave. We are still in the "appeal" process.

I have a young child and need some definitive information about my status. For example, do I have benefits?

Sincerely,  
Carol Wassmann  
Professor/Librarian

---

**From:** David Bugay  
**Sent:** Thursday, August 11, 2011 3:03 PM  
**To:** Carol Wassmann  
**Subject:** RE: Request for Confirmation

The Board of Trustees terminated your position. Please review the documents you received.

Dr. David Bugay

Vice Chancellor Human Resources

South Orange County Community College District

28000 Marguerite Parkway

Mission Viejo, California 92692-3635

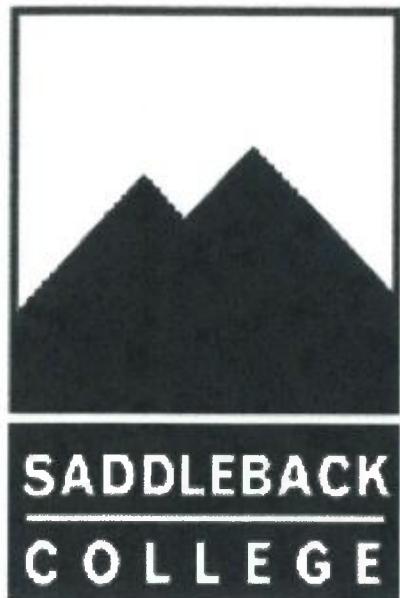
[dbugay@socccd.edu](mailto:dbugay@socccd.edu)

CONFIDENTIALITY NOTICE: This communication and any documents, files, or previous e-mail messages attached to it constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This

*Exhibit: C(2)*

<https://exchange.socccd.edu/owa/?ae=Item&t=IPM.Note&id=RgAAAAAmRS7LkzaFRZg...> 8/21/2011

2nd Deposition Given confirms Timeline Violation Carol W.



## **SADDLEBACK COLLEGE**

### **VISITORS PARKING PERMIT**

**Date(s): 1/10/2012**

**Location: Staff**

- Permit valid only on date(s) specified
- Permit valid only in location specified
- Permit is void if altered, forged or misused
- Place permit face up on dashboard

XA011009845

09845

**THIS SIDE UP**

**DO NOT DUPLICATE**

[SADDLEBACK COLLEGE CAMPUS MAP](#)

[PARKING PERMIT INFO](#)

Exhibit: C (3)

COPY

GO53411

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION III

CAROL WASSMANN,

PLAINTIFF/APPELLANT,

VS.

NO. 30-2013-00692313

SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, ET AL.,

DEFENDANTS/RESPONDENTS.

---

APPEAL FROM THE SUPERIOR COURT OF ORANGE COUNTY

HONORABLE FREDERICK P. AGUIRRE, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APRIL 12, 2016

A P P E A R A N C E S

FOR PLAINTIFF/APPELLANT:

CAROL WASSMANN

P.O. BOX 247

DANA POINT, CA 92629

FOR DEFENDANTS/RESPONDENTS

SOUTH ORANGE COUNTY COMMUNITY

COLLEGE DISTRICT, ET AL.:

DENNIS J. WALSH, ESQ.,

16633 VENTURA BLVD., #800

ENCINO, CA 91436

FOR DEFENDANTS/RESPONDENTS LONG AND SCHMEIDLER:

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS, LLP

BY: MICHAEL R. FEINBERG, ESQ.

6300 WILSHIRE BLVD., #2000

LOS ANGELES, CA 90048

VOLUME 1 OF 1

PAGES 1 TO 7, INCLUSIVE

JAY M. BULLARD, CSR #3455

OFFICIAL COURT REPORTER

PRO TEMPORE

(Exhibit: C 4)

SUPERIOR COURT CALIFORNIA  
COUNTY OF ORANGE CENTRAL JUSTICE CENTER  
DEPARTMENT C23

CAROL WASSMANN, )  
 )  
 PLAINTIFF, )  
 )  
 VS. ) NO. 30-2013-  
 ) 00692313  
 )  
 SOUTH ORANGE COUNTY COMMUNITY )  
 COLLEGE DISTRICT, ET AL., )  
 )  
 DEFENDANTS. )  
 )

HONORABLE FREDERICK P. AGUIRRE, JUDGE PRESIDING

REPORTER'S TRANSCRIPT

APRIL 12, 2016

APPEARANCES:

FOR THE PLAINTIFF: CAROL WASSMANN  
IN PROPRIA PERSONA

FOR DEFTS SOUTH ORANGE  
COUNTY, ET AL.: WALSH & ASSOCIATES, APC  
BY: MATTHEW C. WALLIN, ESQ.

FOR DEFTS LONG AND  
SCHMEIDLER: SCHWARTZ, STEINSAPIR, DOHRMANN &  
SOMMERS, LLP  
BY: MICHAEL R. FEINBERG, ESQ.

JAY M. BULLARD, CSR #3455  
OFFICIAL COURT REPORTER  
PRO TEMPORE

(Exhibit: C 5)

1 Santa Ana, California - Tuesday, April 12, 2016

2 Morning Session

3 (The following proceedings were had in open court:)

4 THE COURT: Number 14, Wassmann versus South Orange  
5 County Community College District, et al.

6 MR. FEINBERG: Good morning, Your Honor. Michael  
7 Feinberg for Defendants Long and Schmeidler.

8 MR. WALLIN: Good morning, Your Honor. Matthew Wallin  
9 for Defendants South Orange County Community College  
10 District, Karima Feldhus, Robert Brumucci, and Glenn  
11 Roquemore.

12 THE COURT: Thank you.

13 MS. WASSMANN: Carol Wassmann, in proper.

14 THE COURT: Thank you, ma'am. You've all read my  
15 tentative. Would anybody like to speak to it? I'd be happy  
16 to hear.

17 MS. WASSMANN: Your Honor, I do have an addendum. I  
18 didn't have time to put it in for the 28th, so I have an  
19 addendum for the Court and for the opposing side.

20 THE COURT: I can't keep you from filing anything, but  
21 I will tell you this: Our rules prohibit anything to be  
22 filed after the period has expired. I did find that the  
23 Defendants, the moving Defendants properly filed and served  
24 their motion, giving you an opportunity to file your  
25 opposition to it, and they filed their reply in a timely  
26 fashion. You could have included in your opposition all the

(Exhibit: C(b))

during Plaintiff's Depositions (12/21/2011 & 01/06/2012), Dean Feldhus (whipped out her personal - cellphone and), shows picture of Plaintiff WASSMANN'S office to attorney David Urban, Esq., "Why is Dean Feldhus allowed to do this and no one (higher-up), in the "chain of command" will tell her that this is not appropriate behavior be fitting a Dean?" Once again, because Plaintiff WASSMANN is "Black," therefore, "anything goes." (8 CT 2305: 10)

Plaintiff did not fail to exhaust her administrative remedies. Plaintiff WASSMANN'S Rebuttal (Fall 2009) (6 CT 1699-1706), (9 CT 2611) (Excerpt), was in tandem with Plaintiff WASSMANN'S five (5) Rebuttals which were ignored by the District Defendants:

- (1) September 18<sup>th</sup>, Rebuttal Letter to Dean's September 11<sup>th</sup>, 2009 letter (9 CT 2596-2597), (6 CT 1690-1691)
- (2) March 22<sup>nd</sup>, 2010, Rebuttal (1 CT 240-245), (6 CT 1718-1720)
- (3) May 27, 2010 Rebuttal (Priority Mail) (9 CT 2529) (Exhibit: M)
- (4) November 5<sup>th</sup>, 2010, Rebuttal (1 CT 282- 295)
- (5) November 19<sup>th</sup>, 2010, Rebuttal (1 CT 299) (9 CT 2612)

On five (5) separate occasions Plaintiff's request to have her grievance filed was ignored. Plaintiff WASSMANN was told repeatedly (by Kathy S. and Lewis Long), that her grievance was being filed, and not to worry about anything.

**Key Fact:** Plaintiff WASSMANN asked the Union Representatives to file her "Grievance" on five (5) separate occasions.

## California Education Code

87732. No regular employee or academic employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Dishonesty.
- (c) Unsatisfactory performance.
- (d) Evident unfitness for service.
- (e) Physical or mental condition that makes him or her unfit to instruct or associate with students.
- (f) Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.
- (g) Conviction of a felony or of any crime involving moral turpitude.
- (h) Conduct specified in Section 1028 of the Government Code.

87733. No report on the fitness of a faculty member in a dismissal proceeding shall be received from a statewide professional organization by a governing board unless the employee shall have been given, prior to the preparation of the report in its final form, the opportunity to submit in writing his or her comments on the report and unless a copy of the report in final form is given to the employee investigated at least 10 days prior to its submission to the board. The report shall not be distributed other than to the governing board and those persons participating in its preparation unless the employee does not demand a hearing as provided by law.

87734. The governing board of any community college district shall not act upon any charges of unprofessional conduct or unsatisfactory performance unless during the preceding term or half college year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or unsatisfactory performance, specifying the nature thereof with specific instances of behavior and with particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation made pursuant to Article 4 (commencing with Section 87560), if applicable to the employee. "Unprofessional conduct" and "unsatisfactory performance," as used in this section, means, and refers only to, the unprofessional conduct and unsatisfactory performance particularly specified as a cause for dismissal in Section 87732 and does not include any other cause for dismissal specified in Section 87732.

87735. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a community college district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, or with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing district, the governing board may, if it deems such action necessary, immediately suspend the employee from his or her duties and give notice to him or her of his or her suspension, and that 30 days after service of the notice, he or she

Defendants violated 30 day after service.

(Exhibit: E)

allegations made. More importantly, Plaintiff WASSMANN is completely unaware of these allegations until Dean Feldhus makes the accusations at Plaintiff's termination hearing. (4 CT 950: 6-9), (4 CT 950: 11-25), (4 CT 951:1). Plaintiff is accused of wearing "sun glasses" and that is deemed a violation (in the Deans eyes)." (4 CT 1005: 10-21), (4 CT 1039: 11-25). Plaintiff WASSMANN is accused of slamming her office door repeatedly; Plaintiff did not slam her office door. (3 CT 711: 1-7). Plaintiff's small (2.oz) tube of hand cream (with a Playboy Bunny Logo), is a violation. (3 CT 771: 16-19), (3 CT 772: 13-16) However, Plaintiff's small perfume bottle (on a book truck), is seen as an: "Egregious" violation. (3 CT 772: 13-16), (3 CT 773: 2-25). *Miller v. Chico Unified School Dist.*, 24 Cal. 3d 703 [S.F. No. 23937. Supreme Court of California. July 27, 1979.] "Under section 44031, school district employees must be given notice of, and opportunity to comment upon, derogatory information in their personnel files which may serve as a basis for affecting the status of their employment. "The trial court below found that the school board had not met the requirements of section 44031. Plaintiff additionally, holds, that the trial court erred in its treatment of Plaintiff's contention under section 44031. As explained, pursuant to that section a school [faculty member], must be permitted to review and comment on derogatory written material complied and maintained by a school district even though the material has not been properly placed in [her] personnel file. A school board cannot avoid the requirements of section 44031 by putting derogatory written material in another file not designated 'personnel file' and, by such a process of labelling, prevent the [faculty member] from reviewing and commenting upon allegations directed at [her]. " (Stanford Law School). Furthermore,

1 Before The Office of Administrative Hearings  
2 Administrative Law Judge Mark Harman  
3  
4  
5

6 In re the Matter of the Dismissal of )  
7 )Case No.  
8 CAROL WASSMANN, ) 2011060807  
9 )  
10 Respondent. )  
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TRANSCRIPT OF PROCEEDINGS, VOLUME II, taken at  
320 West 4th Street, in the City of Los Angeles,  
California, commencing at 9:14 a.m. and concluding at  
3:41 p.m. on Thursday, the 19th day of January, 2012,  
before VICTORIA IMHOF WERTZ, RPR, CSR No. 7999.

(Exhibit: G)



Carol Wassmann <carol.wassmann@waldenu.edu>

## Mysterious Documents In My Case File (email 2 of 3 - Parts: 3 & 4)

1 message

Carol Wassmann <carol.wassmann@waldenu.edu>  
To: Cheryl Shelly <cshelly@perb.ca.gov>

Tue, Feb 23, 2016 at 12:51 PM

Hello Ms. Shelly,

I am still "in the throws" of going through ALL my case files (that you kindly, sent me). With that said, I do have some questions and concerns that I would like to address:

(1) I discovered two (2) "Mysterious" emails (thus far), in my Case File:

(Email Subject: RE:" Up - Date On My PERB Request")  
LA-CO-1592-E-P Part of4pdf. (email) 2 of 3 (Parts 3 & 4)

The documents (in question here), are buried in a file consisting of 105 pages.

My email:

TO: Ms. Winston (Sent @ 1:49 p.m., on Tuesday, November 9th, 2010)  
cc: groquemore @ivc.edu; Ettie Graham  
Subject: Correspondence

(i.e., I am inquiring about the ability and access to the Board of Trustees , prior to their up-coming Board Meeting).

Ettie Graham's (Human Resources) email:

TO: Carol (Sent @ 2:32p.m., @ on Tuesday, November 9th, 2010)  
cc: David Bugay; Glenn Roquemore; Teddi Lorch; Sandy Jeffries; Jennifer Winston; Karima Feldhus (Dean).  
Subject: Correspondence/Importance "High"

(a) I have NEVER SEEN THIS EMAIL BEFORE.  
(b) I have NO IDEA HOW IT GOT INTO MY FILE?  
(c) The document is "Displayed" by your department as "One" email; however viewing the file you can "Clearly" see that this is two (2) separate emails that have been attached to give the viewer the appearance that you are looking at "one" email.

My email is "on the bottom" and Ettie Graham's email is on the top (of my email).

A "Black" line/space is suppose to "Separate Each And Every Document." This is NOT the case here. Why?

More importantly, the judge "NEEDS TO SEE THESE TWO (2) DOCUMENTS SIDE-BY-SIDE."

(2) Exhibit: 90

My email:

TO: Mr. Carlos Perez, Esq.,(Sent @ 19:48 hours, On Monday October 31st, 2011  
cc: Mr. Eric Lampel, Esq.,  
Subject: V.P. of Instruction

(i.e., I am alarmed and up-set that my "Grievance" was NEVER filed" by the Union, despite repeated requests to do so). I was NEVER allowed to meet with: "Craig Justice."

Exhibit : H (1)

Again, my email (October 31st, 2011 is ON THE BOTTOM). And my email (Wednesday November 2nd, 2011 is "Displayed" by your department "on the top." Giving the "False" appearance that the viewer is looking at "One" email. When upon closer review you can "Clearly" see that this is two (2) separate emails.

A "Black" line/space is suppose to "Separate each and every document  
Sincerely,  
Carol W.

Exhibit: H (2)

immediate concern should be preventing the District from taking action to place you in an unpaid status as you have indicated your financial situation is dire. That report cannot help you with that issue whatever relevance it may have to some argument you may wish to make in the future during a hearing about there being problems in the management of the library.

Since the District has provided you with at least 90 days in which to demonstrate that you have remediated what they contend are your faults or poor performance which they have listed in the 90 day notice the District is legally free to move forward with having the Board adopt a Notice of Intent to Dismiss if and when in the District's opinion they have sufficient evidence to support such an action on their part. When I say that I am not saying that the District will ultimately succeed or be able to prove that the events they list in their Notices/evaluations actually occurred as they claim, only that the District has met a procedural hurdle under the Education Code.

I did not state that filing with the EEOC would not be of any help to you. You asked me a very specific question which was whether if you filed with the EEOC that would somehow stop the District from moving forward in disciplining you. Your filing a charge with the EEOC would not act to bar the District from moving forward is all that I said. You did not at any time tell me that you believed you were the victim of any kind of discrimination or provide me with any evidence to support such a claim so I am in no position to assess whether filing with the EEOC would be of any assistance to you in the long run.

Please delete this e-mail and erase it and your e-mail to me as best as you can.

Marianne

**rom:** Carol Wassmann [mailto:cwassmann@ivc.edu]  
**Sent:** Wednesday, November 03, 2010 1:19 PM  
**To:** Marianne Reinhold  
**Cc:** Kathy Schmeidler  
**Subject:** Exhausted Administrative Remedies from the SOCCCD Faculty Association

Dear Ms. Reinhold:

Thursday, October 28<sup>th</sup>, 2010 @ 11:00 a.m., in the office of Ms. Marianne Reinhold.

The advice that you rendered to me was as follows:

- (1) Visit the doctor to see if the doctor can determine retro-actively, the exact reasons for the sick time I had to take. The sick time I used I earned, and would this be the type of thing that all employees might be asked to do?
- (2) Respond to the President's 90 day termination letter packet again. Kathy has the last up-dated attachment: May 16, 2010.
- (3) Ms. Reinhold told me that she would check with Kathy (grievance chair), via phone, to determine the status of the 90 day packet, since obviously, this deadline has passed.
- (4) It is still unclear to me as to whether the district was going to continue to force me to take a 30 day leave (with or without pay, yet to be determined).
- (5) I made the request that I wanted to see the final report from the facilitators (December 2<sup>nd</sup>, 2008), when Dr. Carritte interviewed all the staff. You told me that this report would not help my case. I also, told you that several other co-workers wanted to file grievances too.
- (6) Ms. Reinhold informed me that the district could at anytime serve me with a "letter of attempt to terminate my employment." I asked you whether filing a report with the EEOC would prevent this from happening. You told me that filing with the EEOC would not be of any help to me.
- (7) I asked you what you thought about Kathy's letter: "her recommendations" to me. You told me that you didn't know and that you would telephone Kathy about its meaning. You said that you did not want to contact her by email.
- (8) I felt that basically, our meeting consisted of being told that the dean had the right and the power to fire me, regardless of whether the dean's facts are misleading or incorrect. At no time throughout our conversation did

Exhibit: H(3)

the subject of working towards exercising "shared governance" and "collegiality" between the dean and I was never broached. Instead, you told me that the dean was credible and I was not.

(9) I showed you recent outreach projects underway (Hillview High School), that I had completed with glowing recommendations and thanks, and that I am scheduled to return to this particular high school in December to conduct a full day library resources sessions (for approximately, 132 students).

(10) You also asked me: "...has anyone told you that you talk too much. I replied: "No!" I am an instructor and I have been trained to teach classes in information literacy skills. I conduct "reference interviews" at the reference desk, and I am very active in the "Early College" and Outreach Programs at IVC. Verbal communication is a critical component to what I do. I have to be able to connect with the students.

You do not seem poised to help me. I am a single mother with a young child. This job is my livelihood.

Sincerely,  
Carol Wassmann  
Professor/Librarian

Marianne Reinholt, Esq.  
Reich, Adell & Cvitan  
A Professional Law Corporation  
2670 North Main Street  
Suite 300  
Santa Ana, California 92705  
(213) 386-3860 (voice)  
(213) 386-5583 (facsimile)

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This e-mail and any files transmitted with it are confidential and we intend them solely for the use of the individual or entity to whom we have addressed them. This may contain material protected by the attorney-client privilege, and if it is not addressed to, or if you are not the person responsible for delivering the e-mail to the intended recipient, you have received this e-mail in error and you may not use, disseminate, forward, print, or copy it. If you received this e-mail in error, please immediately reply to the sender or notify us at Reich, Adell & Cvitan by telephone at (213) 386-3860.

Exhibit: H(4)

# Calendar for Year 2010 (United States)

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Holidays and Observances:

EXHIBIT I (1)

NOTICE TO CORRECT DEFICIENCIES DELIVERED TO PROFESSOR WASSMANN  
By DEAN FELDHOUS 90-DAY DEADLINE. March 29<sup>th</sup> 2010 90 Days  
From Huot date - July 29<sup>th</sup> 2010 IS 90 DAYS NOT November 16<sup>th</sup> 2010

# 2011 Calendar

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January 1 New Year's Day  
 January 17 Martin Luther King Day  
 February 21 Presidents' Day

May 30 Memorial Day  
 July 4 Independence Day  
 September 5 Labor Day

October 10 Columbus Day  
 November 11 Veterans Day  
 November 24 Thanksgiving

December 25 Christmas Day

Exhibit: I (2)

# 2012 Calendar

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January 1 New Year's Day  
 January 16 Martin Luther King Day  
 February 20 Presidents' Day

May 28 Memorial Day  
 July 4 Independence Day  
 September 3 Labor Day

October 8 Columbus Day  
 November 11 Veterans Day  
 November 22 Thanksgiving

December 25 Christmas Day

Exhibit: I(3)



IRVINE VALLEY COLLEGE

5500 Irvine Center Drive, Irvine, CA 92618

[www.ivc.edu](http://www.ivc.edu)

949.451.5100 ♦ Fax 949.451.5270

March 29, 2010

HAND-DELIVERED

Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

Re: Notice to Correct Deficiencies – Unsatisfactory Performance and Unprofessional Conduct  
(Education Code Sections 87732 and 87734)

Dear Ms. Wassmann:

Pursuant to Education Code sections 87732 and 87734, and Article XXIIII [sic] entitled Discipline Procedures of the Academic Employee Master Agreement 2007 – 2010, this letter constitutes notice to correct your performance deficiencies involving unsatisfactory performance and unprofessional conduct.

The relevant statute requires that the South Orange Community College District (the “District”) provide an employee with such notice at least ninety (90) days prior to initiating formal disciplinary proceedings for dismissal on the grounds of unsatisfactory performance or unprofessional conduct. Please be advised that Education Code section 87734 does not, however, preclude the initiation of such formal disciplinary proceedings for causes other than unsatisfactory performance or unprofessional conduct. Attached to this Notice as Exhibit “1” is a true and correct copy of Education Code sections 87732 and 87734. Attached to this Notice as Exhibit “2” is a true and correct copy of Article XIII [sic] of the Academic Employee Master Agreement 2007 – 2010.

This formal notice is designed to provide you with sufficient information to understand the nature of your unsatisfactory performance and unprofessional conduct and to illustrate to you specific instances of such behavior with such particularity as to provide you with an opportunity to correct these faults and overcome the grounds for charges based on unsatisfactory performance and unprofessional conduct.

Please be advised that the ninety (90) day remedial period specified by Education Code section 87734 will take effect upon the date this notice is served upon you. Your unsatisfactory performance and unprofessional conduct is specifically described by the following events.

*Exhibit: J (1)*

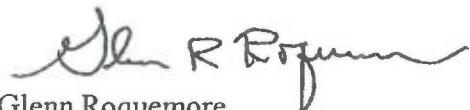
Ms. Wassmann  
March 24, 2010  
Page 12

failure to do so may result in your dismissal in accordance with the provisions of the Education Code.

Finally, please note that the undersigned reserves the right to proceed with the dismissal action prior to the expiration of the periods described in Education Code section 87734 in connection with any incidents of misconduct which may be considered other than unsatisfactory performance or unprofessional conduct.

A copy of your most recent evaluation is attached as Exhibit "32." Pursuant to Education Code section 87031, a copy of this notice will be placed in your personnel file. You have the right to prepare a written response to this Notice within 10 working days following receipt. Any response or comment will be attached hereto prior to placement in your file.

Very truly yours,



Glenn Roquemore  
President

Attachments:

Exhibit "1" – Education Code sections 87732 and 87734

Exhibit "2" – Cover Page, Article IV [4] entitled "Definitions," Article XIV [14] entitled "Assignment, Contract Year, Hours of Service, and Professional Duties", and Article XXII [sic] [23] entitled "Discipline Procedures" of the Academic Employee Master Agreement 2007 – 2010

Exhibit "3" – September 11, 2009 memo from Karima Feldhus to Carol Wassmann re "Notice of unsatisfactory and unprofessional conduct" with its attachments

Exhibit "4" – September 18, 2009 memo Carol Wassmann to Karima Feldhus re "Response to your letter of September 11, 2009"

Exhibit "5" – Set of emails dated October 26 and October 28, 2009 between Carol Wassmann, Jayne Sinegal, and Karima Feldhus re "Preliminary Standard II C Draft"

Exhibit "6" – Set of emails dated December 1, 2009 among Jayne Sinegal, Carol Wassmann, and Fred Forbes re "List of New Adjunct Librarians"

Exhibit "7" – Karima Feldhus's Notes Documenting February 1, 2010 Incident

Exhibit "8" – Set of emails dated February 2, 2010 between Karima Feldhus and Jayne Sinegal

Exhibit: J<sub>(2)</sub>

Exhibit: J(3)

**IVC** IRVINE VALLEY COLLEGE  
5500 Irvine Center Drive, Irvine, CA 92618

Carol Wassmann  
*Librarian*  
School of Library Services

(949) 451-5788 Office      Reference (949) 451-5266  
(949) 451-5796 Fax      cwassmann@ivc.edu  
South Orange County Community College District



IRVINE VALLEY COLLEGE

5500 Irvine Center Drive, Irvine, CA 92618

www.ivc.edu

949.451.5100 • Fax 949.451.5270

November 4, 2010

**VIA REGULAR MAIL, PERSONAL SERVICE,  
AND PROOF OF SERVICE**

*Personal and Confidential*

Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

Re: **Notice of Intent to Recommend Dismissal and Statement of Charges**

Dear Ms. Wassmann:

The purpose of this letter is to advise you that the South Orange County Community College District intends to recommend that you be dismissed from your employment with the District. If this recommendation remains unchanged following completion of any pre-disciplinary review of this matter, the District will submit this recommendation to the Board of Trustees at its meeting on November 17, 2010, and your dismissal will be effective thirty days after service on you of any final notice of dismissal that is authorized by the Board.

The recommended dismissal is based on findings that you have committed the following violations of Education Code Section 87732:

1. Unprofessional conduct;
2. Unsatisfactory performance; and
3. Evident unfitness for service.

SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

Thomas A. Fuentes, William O. Jay, David B. Lang, Marcia Milchiker, Nancy M. Padberg,

Donald P. Wagner, John S. Williams, Dixie Bullock, Ed.D., Acting Chancellor

IRVINE VALLEY COLLEGE: Glenn R. Roquemore, Ph.D., President

Exhibit: J (4)

Immediate concern should be preventing the District from taking action to place you in an unpaid status as you have indicated your financial situation is dire. That report cannot help you with that issue whatever relevance it may have to some argument you may wish to make in the future during a hearing about there being problems in the management of the library.

Since the District has provided you with at least 90 days in which to demonstrate that you have remediated what they contend are your faults or poor performance which they have listed in the 90 day notice the District is legally free to move forward with having the Board adopt a Notice of Intent to Dismiss if and when in the District's opinion they have sufficient evidence to support such an action on their part. When I say that I am not saying that the District will ultimately succeed or be able to prove that the events they list in their Notices/evaluations actually occurred as they claim, only that the District has met a procedural hurdle under the Education Code.

I did not state that filing with the EEOC would not be of any help to you. You asked me a very specific question which was whether if you filed with the EEOC that would somehow stop the District from moving forward in disciplining you. Your filing a charge with the EEOC would not act to bar the District from moving forward is all that I said. You did not at any time tell me that you believed you were the victim of any kind of discrimination or provide me with any evidence to support such a claim so I am in no position to assess whether filing with the EEOC would be of any assistance to you in the long run.

Please delete this e-mail and erase it and your e-mail to me as best as you can.

Marianne

**From:** Carol Wassmann [mailto:cwassmann@ivc.edu]  
**Sent:** Wednesday, November 03, 2010 1:19 PM  
**To:** Marianne Reinhold  
**Cc:** Kathy Schmeidler  
**Subject:** Exhausted Administrative Remedies from the SOCCCD Faculty Association

Dear Ms. Reinhold:

Thursday, October 28<sup>th</sup>, 2010 @ 11:00 a.m., in the office of Ms. Marianne Reinhold.

The advice that you rendered to me was as follows:

- (1) Visit the doctor to see if the doctor can determine retro-actively, the exact reasons for the sick time I had to take. The sick time I used I earned, and would this be the type of thing that all employees might be asked to do?
- (2) Respond to the President's 90 day termination letter packet again. Kathy has the last up-dated attachment: May 16, 2010.
- (3) Ms. Reinhold told me that she would check with Kathy (grievance chair), via phone, to determine the status of the 90 day packet, since obviously, this deadline has passed.
- (4) It is still unclear to me as to whether the district was going to continue to force me to take a 30 day leave (with or without pay, yet to be determined).
- (5) I made the request that I wanted to see the final report from the facilitators (December 2<sup>nd</sup>, 2008), when Dr. Carritte interviewed all the staff. You told me that this report would not help my case. I also, told you that several other co-workers wanted to file grievances too.
- (6) Ms. Reinhold informed me that the district could at anytime serve me with a "letter of attempt to terminate my employment." I asked you whether filing a report with the EEOC would prevent this from happening. You told me that filing with the EEOC would not be of any help to me.
- (7) I asked you what you thought about Kathy's letter: "her recommendations" to me. You told me that you didn't know and that you would telephone Kathy about its meaning. You said that you did not want to contact her by email.
- (8) I felt that basically, our meeting consisted of being told that the dean had the right and the power to fire me, regardless of whether the dean's facts are misleading or incorrect. At no time throughout our conversation did

Exhibit: J (5)

the subject of working towards exercising "shared governance" and "collegiality" between the dean and I was never broached. Instead, you told me that the dean was credible and I was not.

(9) I showed you recent outreach projects underway (Hillview High School), that I had completed with glowing recommendations and thanks, and that I am scheduled to return to this particular high school in December to conduct a full day library resources sessions (for approximately, 132 students).

(10) You also asked me: "...has anyone told you that you talk too much. I replied: "No!" I am an instructor and I have been trained to teach classes in information literacy skills. I conduct "reference interviews" at the reference desk, and I am very active in the "Early College" and Outreach Programs at IVC. Verbal communication is a critical component to what I do. I have to be able to connect with the students.

You do not seem poised to help me. I am a single mother with a young child. This job is my livelihood.

Sincerely,  
Carol Wassmann  
Professor/Librarian

Marianne Reinhold, Esq.  
Reich, Adell & Cvitan  
A Professional Law Corporation  
2670 North Main Street  
Suite 300  
Santa Ana, California 92705  
(213) 386-3860 (voice)  
(213) 386-5583 (facsimile)

---

This e-mail and any files transmitted with it are confidential and we intend them solely for the use of the individual or entity to whom we have addressed them. This may contain material protected by the attorney-client privilege, and if it is not addressed to, or if you are not the person responsible for delivering the e-mail to the intended recipient, you have received this e-mail in error and you may not use, disseminate, forward, print, or copy it. If you received this e-mail in error, please immediately reply to the sender or notify us at Reich, Adell & Cvitan by telephone at (213) 386-3860.

Exhibit: J (6)



November 15, 2010

**VIA REGULAR MAIL, ELECTRONIC MAIL, AND  
 CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

***Personal and Confidential***

Carol Wassmann  
 P.O. Box 247  
 Dana Point, CA 92629

Re: **Notice of Immediate Placement on Paid Administrative Leave**

Dear Ms. Wassmann:

This letter is to notify you that you are hereby placed on paid administrative leave effective Tuesday, November 16, 2010. While you are on paid administrative leave, you are relieved of all duties and responsibilities as a Librarian at Irvine Valley College.

While on paid administrative leave, you will continue to receive your regular pay and benefits. You must make yourself available during regular business hours. As such, please immediately provide a phone number at which you may be reached during regular business hours to answer any and all inquiries regarding your employment.

During the period of this leave you are directed not to return to District property unless authorized to do so by me or by the Assistant Director of Human Resources, Ettie Graham. Additionally, you shall immediately surrender any and all District provided property in your possession, including but not limited to District office keys, ID, computer, and any other communication devices. If you have personal property that you need to retrieve from your office site, please contact Ms. Graham at (949) 582-4411 to make arrangements for this purpose.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "David Bugay".

Dr. David Bugay  
 Vice Chancellor, Human Resources

DB:

c: Dr. Glenn Roquemore, President, Irvine Valley College  
 Teddi Lorch, District Director, Human Resources  
 Ettie Graham, Assistant Director, Human Resources  
 Dr. Karima Feldhus, Dean Humanities & Languages, Social & Behavioral Sciences and  
 Library Services  
 Lee Haggerty, President, SOCCCDFA

**Sandy Jeffries**

**From:** Sandy Jeffries  
**Sent:** Tuesday, November 16, 2010 12:32 PM  
**To:** Carol Wassmann  
**Cc:** Jennifer Winston  
**Subject:** RE: Wednesday, November 17th, 2010 Board of Trustees Meeting

Hi Carol.

Pursuant to our conversation, your case will not be addressed by the board at the November 17 meeting.

Thank you.

Sandy



Sandy Jeffries  
Executive Assistant to the President  
Irvine Valley College  
5500 Irvine Center Drive  
Irvine, CA 92618

~ ~  
ph: 949.451.5210  
fax: 949.451.5240  
[sjeffries@ivc.edu](mailto:sjeffries@ivc.edu)

---

**From:** Carol Wassmann  
**Sent:** Friday, November 12, 2010 12:16 PM  
**To:** Sandy Jeffries  
**Cc:** [jwinston@ivc.edu](mailto:jwinston@ivc.edu)  
**Subject:** Wednesday, November 17th, 2010 Board of Trustees Meeting

Dear Sandy,

I know that the campus is closed today, however, on Monday could you confirm that the original date (11/17/10), for my case to be brought before the board will be taken off the agenda (until I have my meeting with Dr. Roquemore.)

Sincerely,

Carol Wassmann  
Professor/Librarian

---

**From:** Carol Wassmann [cwassmann@lvc.edu]

**Sent:** Thursday, October 07, 2010 1:21 PM

**To:** Rocio Navarro

**Cc:** Karima Feldhus

**Subject:** FW: Harassment

Dear Rosie,

Please see the email (below). The dean was cc on this however, she must have missed it.

Sincerely,

Carol Wassmann

Professor/Librarian

---

**From:** Carol Wassmann

**Sent:** Wednesday, October 06, 2010 8:34 AM

**To:** Kathy Schmeidler

**Cc:** Lewis Long; Karima Feldhus

**Subject:** Harassment

Hello Kathy,

I told the dean this morning that I was feeling under the weather and that I did not want my evaluation to be conducted today. The dean accused me of raising my voice and leaving the reference desk. I thought the professional thing to do was call you from my office. I am going to the nurses' station and leaving for the day. This is too much stress.

I told the dean that I would do the evaluation tomorrow (10/07), the dean said no she is busy.

Sincerely,

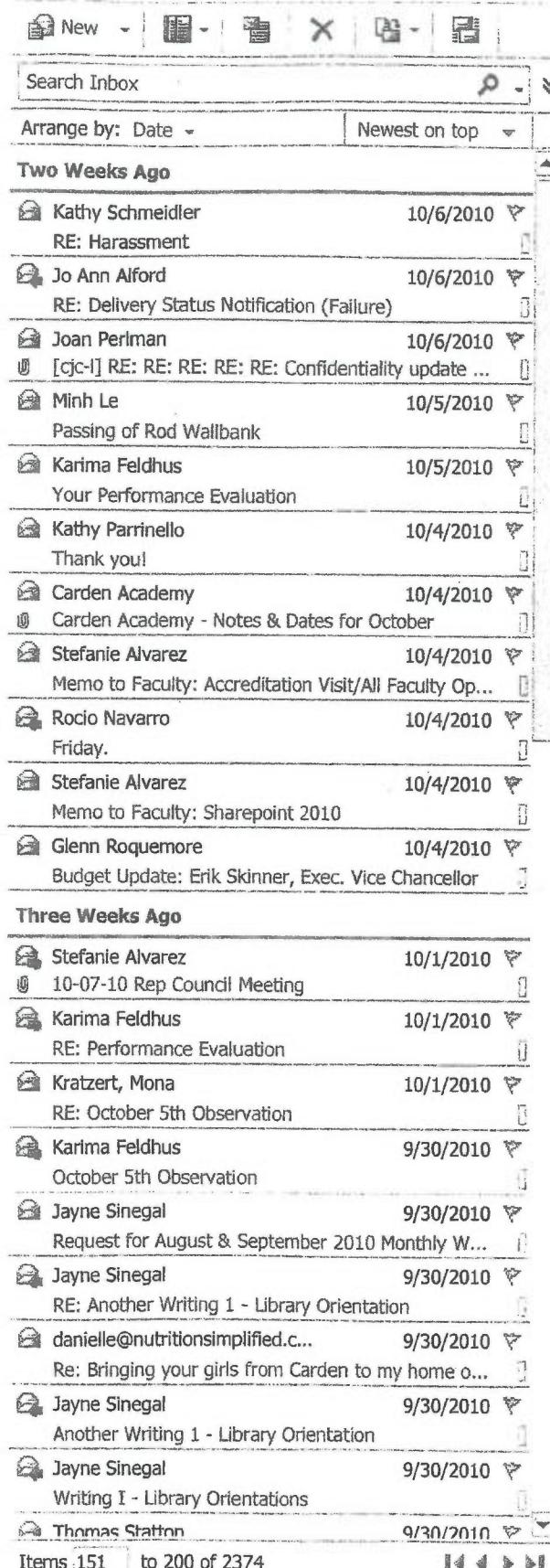
Carol Wassmann

Professor/Librarian

10/18/2010

(Exhibit: L (1))

Inbox (2374 Items, 3 Unread)



Search Inbox          

Arrange by: Date  Newest on top 

**Two Weeks Ago**

-  Kathy Schmeidler 10/6/2010  RE: Harassment
-  Jo Ann Alford 10/6/2010  RE: Delivery Status Notification (Failure)
-  Joan Perlman 10/6/2010   [cjc-i] RE: RE: RE: RE: Confidentiality update ...
-  Minh Le 10/5/2010  Passing of Rod Wallbank
-  Karima Feldhus 10/5/2010  Your Performance Evaluation
-  Kathy Parrinello 10/4/2010  Thank you!
-  Carden Academy 10/4/2010   Carden Academy - Notes & Dates for October
-  Stefanie Alvarez 10/4/2010  Memo to Faculty: Accreditation Visit/All Faculty Op...
-  Rocio Navarro 10/4/2010  Friday.
-  Stefanie Alvarez 10/4/2010  Memo to Faculty: Sharepoint 2010
-  Glenn Roquemore 10/4/2010  Budget Update: Erik Skinner, Exec. Vice Chancellor

**Three Weeks Ago**

-  Stefanie Alvarez 10/1/2010  10-07-10 Rep Council Meeting
-  Karima Feldhus 10/1/2010  RE: Performance Evaluation
-  Kratzert, Mona 10/1/2010  RE: October 5th Observation
-  Karima Feldhus 9/30/2010  October 5th Observation
-  Jayne Sinegal 9/30/2010  Request for August & September 2010 Monthly W...
-  Jayne Sinegal 9/30/2010  RE: Another Writing 1 - Library Orientation
-  danielle@nutritionsimplified.c... 9/30/2010  Re: Bringing your girls from Carden to my home o...
-  Jayne Sinegal 9/30/2010  Another Writing 1 - Library Orientation
-  Jayne Sinegal 9/30/2010  Writing I - Library Orientations
-  Thomas Statton 9/30/2010 

Items 151 to 200 of 2374 

## RE: Harassment

Kathy Schmeidler

**Sent:** Wednesday, October 06, 2010 9:01 AM

**To:** Carol Wassmann

**Cc:** Lewis Long [lewis534@cox.net]; Karima Feldhus

Carol,

Let's get together tomorrow, when you are back at IVC. What time do you get in? I am in class from 9:30-11 and then from 1 until 7, but I get to school around 7 am, so I can meet you before my class or between my 2 classes.

Kathy

From: Carol Wassmann

Sent: Wednesday, October 06, 2010  
8:33 AM

To: Kathy Schmeidler

Cc: Lewis Long; Karima Feldhus

Subject: Harassment

(Exhibit: L) (2)

**Carol Wassmann**

---

**n:** Rocio Navarro  
**Sent:** Tuesday, February 09, 2010 12:43 PM  
**To:** Carol Wassmann  
**Subject:** RE: Nurses Station

Hi Carol,  
I will relay the message.  
Rosie

*Rosie Navarro  
Senior Administrative Assistant  
IVC Library  
949-451-5717*

---

**From:** Carol Wassmann  
.: Tuesday, February 09, 2010 12:31 PM  
**To:** Rocio Navarro  
**Subject:** Nurses Station

Dear Rosie,

I have a headache and I am going over to the nurses office. Please tell Karima not to cancel our meeting (with the music instructor). I will take something for this headache and will return in time for the 3:00p.m. meeting.

Thank you.  
Carol Wassmann  
Librarian/Professor

(Exhibit M)

---

**From:** Carol Wassmann [cwassmann@ivc.edu]

**Sent:** Thursday, October 07, 2010 1:21 PM

**To:** Rocio Navarro

**Cc:** Karima Feldhus

**Subject:** FW: Harassment

Dear Rosie,

Please see the email (below). The dean was cc on this however, she must have missed it.

Sincerely,

Carol Wassmann

Professor/Librarian

---

**From:** Carol Wassmann

**Sent:** Wednesday, October 06, 2010 8:34 AM

**To:** Kathy Schmeidler

**Cc:** Lewis Long; Karima Feldhus

**Subject:** Harassment

Hello Kathy,

I told the dean this morning that I was feeling under the weather and that I did not want my evaluation to be conducted today. The dean accused me of raising my voice and leaving the reference desk. I thought the professional thing to do was call you from my office. I am going to the nurses' station and leaving for the day. This is too much stress.

I told the dean that I would do the evaluation tomorrow (10/07), the dean said no she is busy.

Sincerely,

Carol Wassmann

Professor/Librarian

10/18/2010

(Exhibit: M(2))

Dean waited nine (9) months too respond

Page 491

1 our facility asked could they look into it. There were  
2 no fumes. So if there's a problem, then Mr. Pagal got  
3 back to me and maybe a doctor's note. I forwarded that  
4 e-mail to HR. And as far as I'm concerned, there was  
5 an issue that HR had to deal with.

6 Now, in the meantime, if you recall all of the  
7 meetings -- because a lot of things happened from  
8 February to October of next semester -- the same year,  
9 2010 --

10 Q What happened in this issue from February to  
11 October?

12 A Excuse me? Well, the smell. Are you asking  
13 about the e-mail from February -- why I didn't give an  
14 option to move until October. But I'm saying I did  
15 present her with an option to move, just the day she  
16 slammed the door in my face when she first mentioned  
17 it. I did send the e-mails to proper departments more  
18 than once. I did mention to her that she could leave  
19 her door closed if the fumes were a problem, on the  
20 condition that she leaves a sign on the door. But none  
21 of that happened.

22 Finally, as I said, I gave in. She doesn't  
23 want to put a sign on the door. She doesn't want to  
24 keep the door open. She is not accessible to faculty  
25 and staff. By saying she was not accessible to faculty

Exhibit: N

RECEIVED  
PERB  
SACRAMENTO  
REGIONAL OFFICE

Carol Wassmann

**From:** Carol Wassmann  
**Sent:** Thursday, April 29, 2010 9:21 PM  
**To:** Kathy Schmeidler  
**Subject:** Load Fall 2010/2011

Hello Kathy,

The dean did not answer my email requesting summer hours 2010. Please proceed with my grievance. I would also like to know what measures I can take to guarantee that I will have first option to teach Lib 10 and any online library classes in the fall. Not being here in the summer will put me at a disadvantage when the dean is planning the schedule. (I need to remain in the loop.) My job is my livelihood. I need to work to support my child and myself. I cannot believe that this is happening.

Thank you for everything,  
Carol

Exhibit: O (1)

## Exhibit O<sup>2</sup>

Moreover, PERB's jurisdiction is limited to the determination of unfair practice charges arising under the ERA and other public sector employer-employee relations statutes which it administers. PERB does not have jurisdiction over employment-related discrimination claims arising under California's Fair Employment and Housing Act (Gov. Code, § 12900 et seq.).

which is enforced by the Department of Fair Employment and Housing and California courts. Likewise, PERB lacks jurisdiction over claimed violations of the United States and California Constitutions as well as a variety of federal statutes which protect employees, including Title VII of the Civil Rights Act of 1964. (Housing Authority of the City of Los Angeles (2011) PERB Decision No. 2166-M; California School Employees Association, Chapter 245 (Wasmire) (2001) PERB Decision No. 1448.) Charging Party alleges that she was

The charging party's burden also includes alleging facts showing that the unfair practice charge was timely filed, i.e., that the alleged unfair practice occurred no more than six months prior to the filing of the charge. (Los Angeles Unified School District (2007) PERB Decision No. 1929; City of Santa Barbara (2004) PERB Decision No. 1628-M.) PERB is prohibited from issuing a complaint with respect to any charge based upon an alleged unfair practice occurring more than six months prior to the filing of the charge. (Cochella Valley Mosquito and Vector Control District v. Public Employment Relations Board (2005) 35 Cal.4th 1072.) The limitations period begins to run once the charging party knows, or should have known, of the conduct underlying the charge. (Gavilan Joint Community College District (1996) PERB Decision No. 1177.) "In cases alleging a breach of the duty of fair representation, the six month statutory limitations period begins to run on the date when the charging party, in the exercise of reasonable diligence, knew or should have known that further assistance from the union was unlikely." (United Faculty of Grossmont-Cuyamaca Community College District (2010) PERB Decision No. 2133.)

“clear and concise statement of the facts and conduct alleged to constitute an unfair practice.” The Charging Party should include facts alleging the “who, what, when, where and how” of an unfair practice. (State of California (Department of Food and Agriculture) (1994) PERB Decision No. 1071-S, citing *United Teachers-Los Angeles* (Ragsdale) (1992) PERB Decision No. 944). Merely legal conclusions are not sufficient to state a prima facie case. (Ibid; *Oak Unified School District* (1991) PERB Decision No. 873.)

## Discussion

September 24, 2009  
September 30, 2009  
April 29, 2010  
September 14, 2010  
September 16, 2010  
September 17, 2010  
November 2, 2011

LA-CO-1592-E  
April 10, 2014  
Page 2

(949) 451-5788

**CAROL WASSMANN**  
Professor • Librarian  
Irvine Valley College  
Department of Library Services  
5500 Irvine Center Drive, Irvine CA 92618

cwassmann@ivc.edu

November 22, 2010

Dr. Glenn R. Roquemore, President  
Irvine Valley College  
5500 Irvine Center Drive  
Irvine, CA 92618

Via Personal Service

Re: Carol Wassmann; Supplemental Response to Intent to Recommend Dismissal

Dear President Roquemore:

I submit this supplemental response to the charges (pending against me) in addition to those that I respectfully submitted Friday, November 19, 2010.

Over the weekend since I submitted the first Response, I have found evidence which proves another instance in which Dean Feldhus fabricated the truth about my "absences", more specifically about my alleged January 21, 2010 "absence", when I was actually teaching a class. Some of the documents that I need to fully respond to the remainder of the alleged absences are mysteriously missing from my office now, so I will work with HR to provide further evidence of my non-absences.

I respectfully request that you review my Response and this supplemental response, and give me some additional time to provide further evidence to you so that you will have everything available to you before you make your recommendation. I ask that no decision be made pending further investigation on these matters.

Sincerely,

  
CAROL WASSMANN,  
IVC PROFESSOR, LIBRARIAN

Enclosures: Absence Verification Form  
Bibliographic Instruction Form

Exhibit: P<sub>(1)</sub>

## ABSENCE VERIFICATION

South Orange County Community College District

		<input type="checkbox"/> District	<input type="checkbox"/> SC	<input type="checkbox"/> IVC	<input type="checkbox"/> ATEP
<b>1. NAME</b>		<b>2. LOCATION:</b> (i.e. MSE/Physics)			
Wassmann	Carol	Div/Dept:	Library Services		
Last	First	SS # / Emp. ID #	8335		
Payroll Period From:	2/1/10	To:	2/28/10	Position:	Librarian

<b>3. BENEFIT REQUESTED</b>		<b>DATE(S)</b>
<input checked="" type="checkbox"/> SICK LEAVE <i>Absent more than 5 consecutive days, a doctor's off work order is required.</i>		2/2, 2/3, 2/4 & 2/5/10 --Full Sick Days 2/9/10 - 1/2 Sick Day
<input checked="" type="checkbox"/> PERSONAL NECESSITY LEAVE		2/16/10 - 1/2 PN Day
<input type="checkbox"/> CONVENIENCE LEAVE		
<input type="checkbox"/> INDUSTRIAL INJURY/ILLNESS LEAVE: <i>Initial date of Inj/Ill</i>		
<input type="checkbox"/> VACATION LEAVE		
<input type="checkbox"/> COMPENSATORY TIME		
<input type="checkbox"/> BEREAVEMENT LEAVE RELATIONSHIP: <i>For more than 3 days indicate city &amp; State (Refer to Union Contract)</i>		
<input type="checkbox"/> LEAVE WITHOUT PAY		
<input type="checkbox"/> EXCUSED <i>Indicate Reason:</i>		
<input type="checkbox"/> JURY DUTY <i>Attach Court Certification</i>		
<b>*** ACADEMIC ONLY *** USE A SEPARATE ABSENCE VERIFICATION WHEN REPORTING LOAD AND OVERLOAD</b>		
<b>TOTAL DUTY DAYS ABSENT:</b>	<b>5</b> Days	<b>TOTAL DUTY HRS. ABSENT:</b>
<b>*Use for Full-Time Academic Load ONLY</b>		
<input type="checkbox"/> *Use for F/T Academic Overload <input type="checkbox"/> Part-Time Academic <input type="checkbox"/> All Classified <input type="checkbox"/> All Administrators		

## ILLNESS OR INJURY REPORT

If absent because of illness or injury for longer than five days, a statement by a licensed physician may be required, or evidence of treatment and the need thereof by the practice of religion of any well recognized church or denomination. The Board of Trustees may require a statement from a physician at any time regardless of the duration of the absence.

## 4. EMPLOYEE'S STATEMENT

I hereby affirm that the above statements are correct and true.

Signature of Employee — Date

<b>5. CERTIFICATION</b> by the employee's administrator is required for each request.
I hereby certify that to the best of my knowledge and belief the above statements are correct and true, and I recommend approval of this request.
Signature of Administrator — Date

FS 102 Rev. 11/06

Exhibit : P(2)

**STATEMENT OF CHARGES**  
**(Rebuttal 12/08/10)**

**Addendum: (P)**

**Discrepancies**

<b>September 2009</b>	22 <sup>nd</sup> , I taught a class 24 <sup>th</sup> , check to see if I was at academic senate?
<b>October 2009</b>	15 <sup>th</sup> , check academic senate?
<b>December 2009</b>	15 <sup>th</sup> & 16 <sup>th</sup> (Finals Week Discrepancies), 21 <sup>st</sup> (faculty off)
<b>January 2010</b>	21 <sup>st</sup> , academic senate (check)
<b>February 2010</b>	4 <sup>th</sup> , check academic senate, 2 <sup>nd</sup> (nurses st) Prof. Haggerty & Kathy, 3 <sup>rd</sup> , chair & Professor Hewitt dialog. 9 <sup>th</sup> , evaluation conducted on this day and we met with Jamie Poster that day also.
<b>March 2010</b>	2 <sup>nd</sup> , meeting with Ettie, dean & Kathy
<b>August 2010</b>	*
<b>September 2010</b>	13 <sup>th</sup> , Personal Necessity day
<b>October 2010</b>	1 <sup>st</sup> , (arrived at 12: noon), email, 4 <sup>th</sup> , union, 5 <sup>th</sup> & 6 <sup>th</sup> sick 18 <sup>th</sup> PN, 28 <sup>th</sup> , union attorney a.m. 5:00p.m. night shift and bibliographic Instruction.

**Carol Wassmann  
Professor/Librarian**

**Exhibit: P (3)**

## STATEMENT OF CHARGES (Rebuttal 11/5/10)

Addendum: (P)

**P) Statement:**

**Wassmann has also exhibited a pattern of excessive absences**

**Rebuttal:**

The sick time I have used I have earned. I have experienced a number of discrepancies with the administrative assistant (when she signs my absent forms: unavailable for signature).

- (i) During the month of August 2009, Wassmann was absent...  
**Human resources was provided with a doctor's note.**
- (ii) Request that Human Resources provide the original copy for the following dates: September 2009, 16<sup>th</sup>, 22<sup>nd</sup>, 24<sup>th</sup> and 28<sup>th</sup>.
- (iii) Request that Human Resources provide the original copy for the Following dates: October 2009, 6<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup> & 26<sup>th</sup>.
- (iv) Request that Human Resources provide the original copy for the Following dates: December 2009, 15<sup>th</sup>, 16<sup>th</sup> & 21<sup>st</sup>.
- (v) Request that Human Resources provide the original copy for the Following dates: January 2010, 21<sup>st</sup>, 26<sup>th</sup> & 27<sup>th</sup>
- (vi) Request that Human Resources provide the original copy for the (February ) Following dates: 5<sup>th</sup> & 9<sup>th</sup>. (2<sup>nd</sup>, Nurses Station), (3<sup>rd</sup> dialog with chair & Professor Hewitt), (4<sup>th</sup>, I believe I attended Academic Senate) & (9<sup>th</sup>, evaluation conducted on this day and also attended meeting with Professor Poster).
- (vii) Request that Human resources provide the original copy for the Following dates: March 2010, 2<sup>nd</sup>, 10<sup>th</sup>, & 11<sup>th</sup>.
- (viii) Request that Human resources provide the original copy for the Following dates: May 2010, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, & 21<sup>st</sup>. I believe that **human resources was provided with a doctors note.**
- (ix) Request that Human Resources provide the original copy for the Following date: August 30<sup>th</sup>, 2010.

Exhibit: P (4)

- (x) Request that Human Resources provide the original copy for the Following: September 2010, 13<sup>th</sup>. I believe that I was at Beckman High School (Early College Program) 23<sup>rd</sup>.
- (xi) Request that Human Resources provide the original copy for the Following dates: October 2010, 5<sup>th</sup>, 6<sup>th</sup>, 26<sup>th</sup>, 1<sup>st</sup>, 4<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 28<sup>th</sup>  
October is visited the union attorney in the morning and  
Conducted my Writing 1 bibliographic orientation upon my return that evening.

There are a lot of discrepancies with the absent forms. I need the originals to verify the dates and times. A blank form will not do.

Carol Wassmann  
November 18<sup>th</sup>, 2010.

Exhibit: P<sub>(5)</sub>

## Carol Wassmann

---

**From:** Carol Wassmann  
**Sent:** Friday, October 15, 2010 4:13 PM  
**To:** Lisa Cornejo  
**Subject:** RE: used sick leave

Hello Lisa,

Actually, come to think of it, could you provide me with all my absences, personal necessity (load and overload) for the time period of August 15<sup>th</sup>, 2005 to the present day.

Thank you for help with this matter.

Sincerely,

Carol Wassmann  
Professor/Librarian

---

**From:** Lisa Cornejo  
**Sent:** Friday, October 15, 2010 2:02 PM  
**To:** Carol Wassmann  
**Subject:** used sick leave

Hi,

Do you want to include personal necessity or just used sick leave? Also do you want to include your load and overload or just one of these?

Lisa

*Lisa M. Cornejo  
Payroll Specialist  
South Orange County Community College District  
28000 Marguerite Parkway Mission Viejo CA 92692  
Phone : (949) 582 4892  
Fax : (949) 364 9447  
[www.socccd.org](http://www.socccd.org)*

*The dawn of each new day brings us a chance to become more than we ever imagined.*

*Exhibit: P6*

**Carol Wassmann**

---

**From:** Carol Wassmann  
**Sent:** Wednesday, November 03, 2010 8:04 AM  
**To:** Rocio Navarro  
**Cc:** Jayne Sinegal; Karima Feldhus; Wendy Rayburn  
**Subject:** My Boo! Boo!

Hello Rosie,

I found the absent forms. Between getting ready for my huge outreach program at Hillview High School and you not working on Fridays, I made a note to myself to give you the paperwork on Monday, and then promptly, forgot to give the paperwork to you. My boo, boo.

Sincerely,  
Carol Wassmann  
Professor/Librarian

Exhibit: P<sup>1</sup> 7

will be dismissed, unless he or she demands a hearing.

87736. Whenever any academic employee of a community college district is charged with the commission of any sex offense, as defined in Section 87010, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the district may immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in Section 87737.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his or her regular salary during the period of his or her compulsory leave of absence, if and during such time as the employee furnishes to the community college district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the district the amount of salary so paid to the employee during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against the employee are dismissed, the district shall reimburse the employee for the cost of the bond upon his or her return to service in the district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against the employee are dismissed, the district shall pay to the employee his or her full compensation for the period of the compulsory leave of absence upon his or her return to service in the district.

Whenever any academic employee of a community college district is charged with the commission of any narcotics offense as defined, in Section 87011 of the Education Code, or a violation of Section 261.5 of the Penal Code, Sections 11357 to 11361, inclusive, 11363, 11364, or 11377 to 11382, inclusive, insofar as such sections relate to any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

87737. The notice of suspension and intention to dismiss, shall be in writing and be served upon the employee personally or by United States registered mail addressed to the employee at his or her last known address. A copy of the charges filed, together with a copy of the provisions of Section 87736, shall be attached to the notice. If the employee demands a hearing within 30 days, the matter shall proceed to arbitration or hearing, as the case may be, as specified in Article 4. If the employee does not demand a hearing within the 30-day period, his or her dismissal shall be effective upon the expiration of 30 days after service of the notice.

## Carol Wassmann

---

**From:** Carol Wassmann  
**Sent:** Wednesday, October 27, 2010 2:26 PM  
**To:** Jayne Sinegal  
**Cc:** Karima Feldhus; Jennifer Tarulli; 'Barcelo, Nubia'; Anne Akers; 'bhewitt@ivc.cc.ca.us'  
**Subject:** Outreach & Community Relations - Hillview High School Visit

Hello Jayne,

Our visit to the Hillview High School Outreach program (today) was a great success. Approximately, 250 students were in attendance and the information Jennifer and I provided (college preparedness and student academic success), was very well received. The month of December will mark the "wrap-up" season for Hillview High School senior, and Ms. Nubia Barcelo (Counselor) and I would like to maintain the momentum by tentatively, scheduling the IVC librarian as a guest speaker for the following:

Date: Tuesday, December 7<sup>th</sup>, 2010

Time: 8:00a.m. – 3:00p.m.

Sessions: (4) Senior Classes throughout the day; approximately, 35 -45minutes (each) duration

Location: Hillview High School

The IVC library will continue to support the college outreach programs, which ultimately, will benefit our potential students as they make the transition from high school to college with ease.

Sincerely,  
Carol Wassmann  
Professor/Librarian

Exhibit: R (1)

## Carol Wassmann

---

**From:** Carol Wassmann  
**At:** Friday, September 17, 2010 11:34 AM  
**To:** Kathy Schmeidler  
**Cc:** Lewis Long  
**Subject:** FW: Hillview High School Career Day  
**Attachments:** Career Fair Oct. 2010.doc

Hello Kathy,

Please see email below. I am scheduled to participate at this special outreach event (at the Hillview High School), in October. I just want you to know that my enthusiasm and passion for my job remains "high" and always has been.

Peace,  
Carol

**From:** Barcelo, Nubia [mailto:NBarcelo@tustin.k12.ca.us]

**Sent:** Wednesday, September 15, 2010 9:37 AM

**To:** Anne Akers; Carol Wassmann

**Subject:** Hillview High School Career Day

Yes, I was getting worried about you because I had not heard from you. We are not having our usual lunch we will be serving coffee, tea, water and pastries in the morning before the fair.

I hope you had a great summer. I am taking African dance again and Hip Hop (ha ha) those young kids are so good I feel awkward, I have to remember to just have fun.

I hope to see you soon. Tell Carol that I said thank you, I know she has been very excited about coming out to speak with our students.

See ya  
Nubia

---

Tustin Unified School District E-Mail Disclaimer This communication and any documents, files, or previous e-mail messages attached to it constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the intended recipient(s). The unlawful interception, use or disclosure of such information is strictly prohibited under 18 USCA 2511. Any review, reliance, or distribution by others or forwarding without expressed permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

Exhibit : R(2)

Sandy Jeffries

**From:** Sandy Jeffries  
**Sent:** Tuesday, November 16, 2010 12:32 PM  
**To:** Carol Wassmann  
**Cc:** Jennifer Winston  
**Subject:** RE: Wednesday, November 17th, 2010 Board of Trustees Meeting

Hi Carol.

Pursuant to our conversation, your case will not be addressed by the board at the November 17 meeting.

Thank you.

Sandy



Sandy Jeffries  
Executive Assistant to the President  
Irvine Valley College  
5500 Irvine Center Drive  
Irvine, CA 92618

~ ~  
ph: 949.451.5210  
fax: 949.451.5240  
[sjeffries@ivc.edu](mailto:sjeffries@ivc.edu)

**From:** Carol Wassmann  
**Sent:** Friday, November 12, 2010 12:16 PM  
**To:** Sandy Jeffries  
**Cc:** [jwinston@ivc.edu](mailto:jwinston@ivc.edu)  
**Subject:** Wednesday, November 17th, 2010 Board of Trustees Meeting

Dear Sandy,

I know that the campus is closed today, however, on Monday could you confirm that the original date (11/17/10), for my case to be brought before the board will be taken off the agenda (until I have my meeting with Dr. Roquemore.)

Sincerely,

Carol Wassmann  
Professor/Librarian

Exhibit: 5



IRVINE VALLEY COLLEGE

5500 Irvine Center Drive, Irvine, CA 92618

[www.ivc.edu](http://www.ivc.edu)

949.451.5100 • Fax 949.451.5270

November 4, 2010

**VIA REGULAR MAIL, PERSONAL SERVICE,  
AND PROOF OF SERVICE**

*Personal and Confidential*

Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

Re: **Notice of Intent to Recommend Dismissal and Statement of Charges**

Dear Ms. Wassmann:

The purpose of this letter is to advise you that the South Orange County Community College District intends to recommend that you be dismissed from your employment with the District. If this recommendation remains unchanged following completion of any pre-disciplinary review of this matter, the District will submit this recommendation to the Board of Trustees at its meeting on November 17, 2010, and your dismissal will be effective thirty days after service on you of any final notice of dismissal that is authorized by the Board.

The recommended dismissal is based on findings that you have committed the following violations of Education Code Section 87732:

1. Unprofessional conduct;
2. Unsatisfactory performance; and
3. Evident unfitness for service.

SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES  
Thomas A. Fuentes, William O. Jay, David B. Lang, Marcia Milchiker, Nancy M. Padberg,  
Donald P. Wagner, John S. Williams, · Dixie Bullock, Ed.D., Acting Chancellor  
IRVINE VALLEY COLLEGE: Glenn R. Roquemore, Ph.D., President

*Exhibit : T (1)*

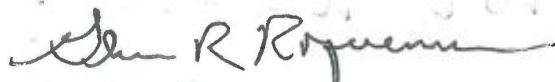
Wassmann, Carol

November 4, 2010

Page 3 of 3

decision. If I recommend to the Board that you be dismissed, and if the Board accepts that recommendation, you will be provided with notice pursuant to Education Code Section 87666 et seq., and you will then have the right to request a full formal hearing in accordance with the Education Code.

Sincerely,



Dr. Glenn Roquemore  
President  
Irvine Valley College

Enclosures: Statement of Charges and Exhibits 1 – 18 and Notice to Correct Deficiencies –  
Unsatisfactory Performance and Unprofessional Conduct  
Government Code Sections 11506, 11507.5, 11507.6 and 11507.7  
Education Code Sections 87666-87683 and 87732

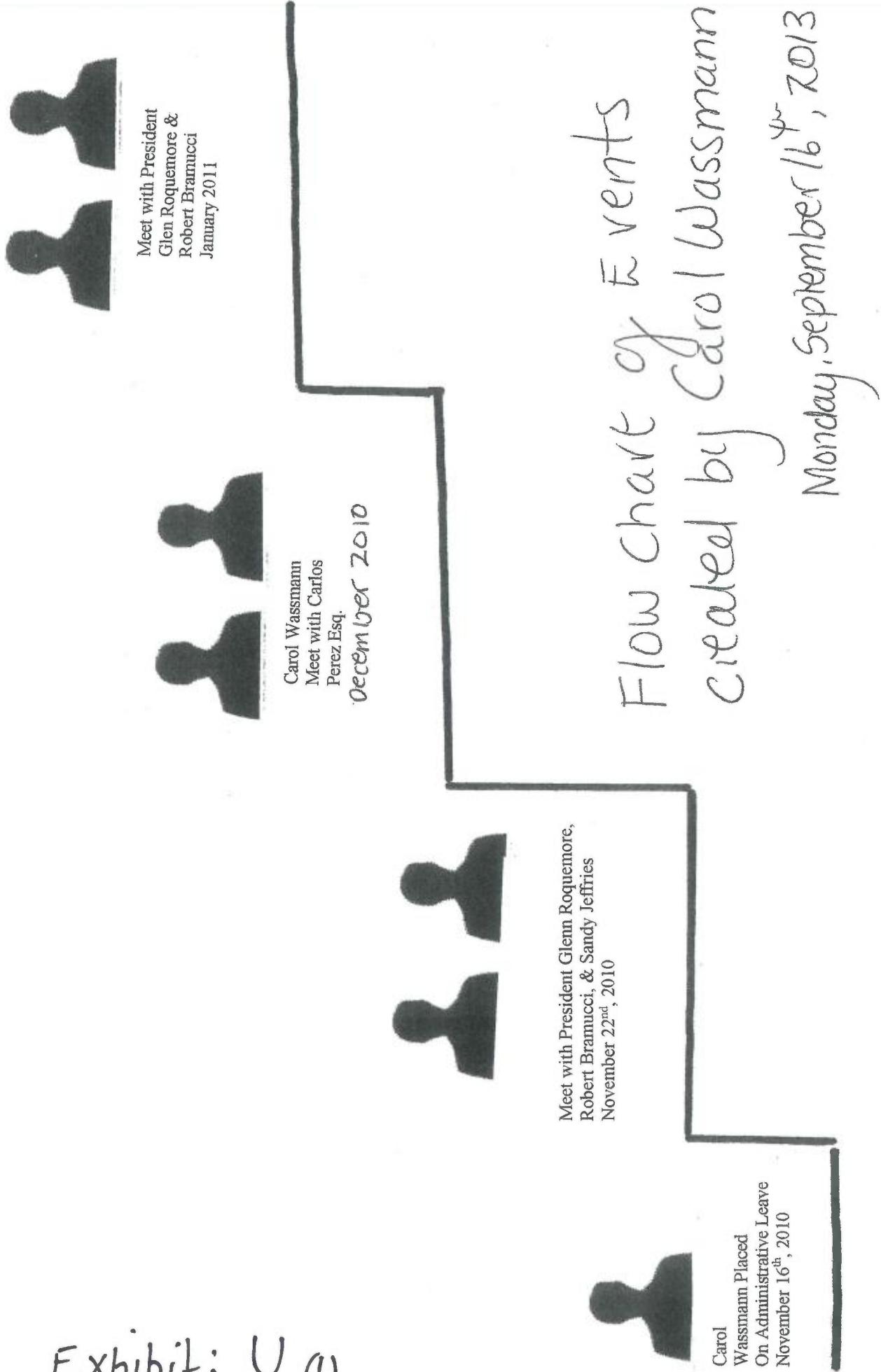
4:35 p.m Jennifer 11/8/10

Sandy Jeffreys 5210

SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES  
Thomas A. Fuentes, William O. Jay, David B. Lang, Marcia Milchiker, Nancy M. Padberg,  
Donald P. Wagner, John S. Williams, · Dixie Bullock, Ed.D., Acting Chancellor  
IRVINE VALLEY COLLEGE: Glenn R. Roquemore, Ph.D., President

Exhibit : T (2)

Flow Chart of Events





November 24, 2010

**VIA REGULAR MAIL AND CERTIFIED MAIL –**  
**RETURN RECEIPT REQUESTED**

*Personal and Confidential*

Carol Wassmann  
 P.O. Box 247  
 Dana Point, CA 92629

Re: Notice of Intent to Recommend Dismissal and Statement of Charges

Dear Ms. Wassmann:

While not required to do so, the District has decided to grant your request for a second extension of time for a predisciplinary meeting with President Glenn Roquemore. The District initially scheduled your predisciplinary meeting for Monday, November 15, 2010. On November 11, 2010, you requested an extension so that you could prepare a written response to the Notice of Intended Discipline. The District granted your request and rescheduled your meeting to Monday, November 22, 2010. On November 19, 2010, the District received a written response from you regarding the District's intent to recommend your dismissal. On November 22, 2010, despite the fact that you have provided the written response you wished to make, you once again requested an extension of time for this meeting. Although it is not required to do so, the District will grant your request. Your predisciplinary meeting is scheduled for Monday, December 13, 2010 at 3:30 p.m. in President Roquemore's office. Please contact his office at (949) 451-5210 to confirm your attendance at the meeting. Please be advised that we will not grant any additional requests for an extension of time for this meeting.

Sincerely,

*Dr. David Bugay*

Dr. David Bugay  
 Vice Chancellor, Human Resources

DB:

c: Dr. Glenn Roquemore, President, Irvine Valley College

*Exhibit: U(2)*

## NOTICE OF OBJECTION TO THE STATEMENT OF DECISION TO DISMISS

To: The Board of Trustees,  
Dr. David Bugay  
Vice Chancellor Human Resources  
South Orange County Community College District  
28000 Marguerite Parkway  
Mission Viejo, CA 92692

I acknowledge service of the Notice of Decision to Dismiss (with supporting documents, Exhibits 1, 2, 3 and 4) against me as a respondent, dated March 29, 2011. In response thereto, I represent that this reply to the South Orange County Community College District shall be my objection to the decision pursuant to Education Code Section 876.3 and Government Code Section 11506.

My present and correct mailing address is as follows:

Ms. Carol Wassmann  
P.O. Box 247  
Dana Point, CA 92629

Date: 4/7/11

Signed: Carol Wassmann

document rec'd  
4/7/2011 MDK

RECEIVED

API 07 2011

HUMAN RESOURCES  
SOCCCD

BOARD OF TRUSTEES: THOMAS A. FUENTES, WILLIAM O.  
MARCIA MILCHIKER, NANCY M. PADBERG, T.J. PRENDERGAST

AN EQUAL OPPORTUNITY

(Exhibit: V )

1. March 11/4  
2. Obiecher

### California Government Code

\* ✓

11506. (a) Within 15 days after service of the accusation the respondent may file with the agency a notice of defense in which the respondent may:

- (1) Request a hearing.
- (2) Object to the accusation upon the ground that it does not state acts or omissions upon which the agency may proceed.
- (3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense.
- (4) Admit the accusation in whole or in part.
- (5) Present new matter by way of defense.
- (6) Object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation would result in a material violation of another regulation enacted by another department affecting substantive rights.

(b) Within the time specified respondent may file one or more notices of defense upon any or all of these grounds but all of these notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in paragraph (3) of subdivision (a), all objections to the form of the accusation shall be deemed waived.

(d) The notice of defense shall be in writing signed by or on behalf of the respondent and shall state the respondent's mailing address. It need not be verified or follow any particular form.

(e) As used in this section, "file," "files," "filed," or "filing" means "delivered or mailed" to the agency as provided in Section 11505.

✓

11507.5. The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter. *Rebutus i givel - Givelse request i gived.*

✓

11507.6. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding

Exhibit: W (1)

## California Education Code

87666. During the school year, all contract and regular employees are subject to dismissal and the imposition of penalties on the grounds and pursuant to procedures set forth in this article.

87667. A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Section 87732.

✓ 87668. A governing board may impose one of the following penalties:

- (a) Suspension for up to one year.
- (b) Suspension for up to one year and a reduction or loss of compensation during the period of suspension.

87669. The governing board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. If the employee is to be dismissed or penalized, the governing board shall determine whether the decision shall be imposed immediately or postponed in accordance with Section 87672.

87670. The procedure set forth in this article does not apply to an immediate suspension affected under Section 87736.

87671. A contract or regular employee may be dismissed or penalized if one or more of the grounds set forth in Section 87732 are present and the following are satisfied:

- (a) The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of this article.
- (b) The district governing board has received all statements of evaluation which considered the events for which dismissal or penalties may be imposed.
- (c) The district governing board has received recommendations of the superintendent of the district and, if the employee is working for a community college, the recommendations of the president of that community college.
- (d) The district governing board has considered the statements of evaluation and the recommendations in a lawful meeting of the board.

87672. If a governing board decides it intends to dismiss or penalize a contract or regular employee, it shall deliver a written statement, duly signed and verified, to the employee setting forth the complete and precise decision of the governing board and the reasons therefor. Big No 'N'

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his or her address last known to the district.

A governing board may postpone the operative date of a decision to dismiss or impose penalties for a period not to exceed one year, subject to the employee's satisfying his or her legal responsibilities as determined by statute and rules and regulations of the district. At the end of this period of probation, the decision shall be made operative or permanently set aside by the governing board.

\*✓ 87673. If the employee objects to the decision of the governing board, or the reasons therefor, on any ground, the employee shall notify, in writing, the governing board, the superintendent of the district which employs him or her, and the president of the college

Exhibit: W(2)

\* at which the employee serves of his or her objection within 30 days of the date of the service of the notice.

87674. Within 30 days of the receipt by the district governing board of the employee's demand for a hearing, the employee and the governing board shall agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the employee and the governing board shall enter into the records of the governing board written confirmation of the agreement signed by the employee and an authorized representative of the governing board. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

87675. The arbitrator shall conduct proceedings in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. In all cases, discovery shall be completed prior to one week before the date set for hearing. The arbitrator shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or postponed pursuant to Section 87672.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters that occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

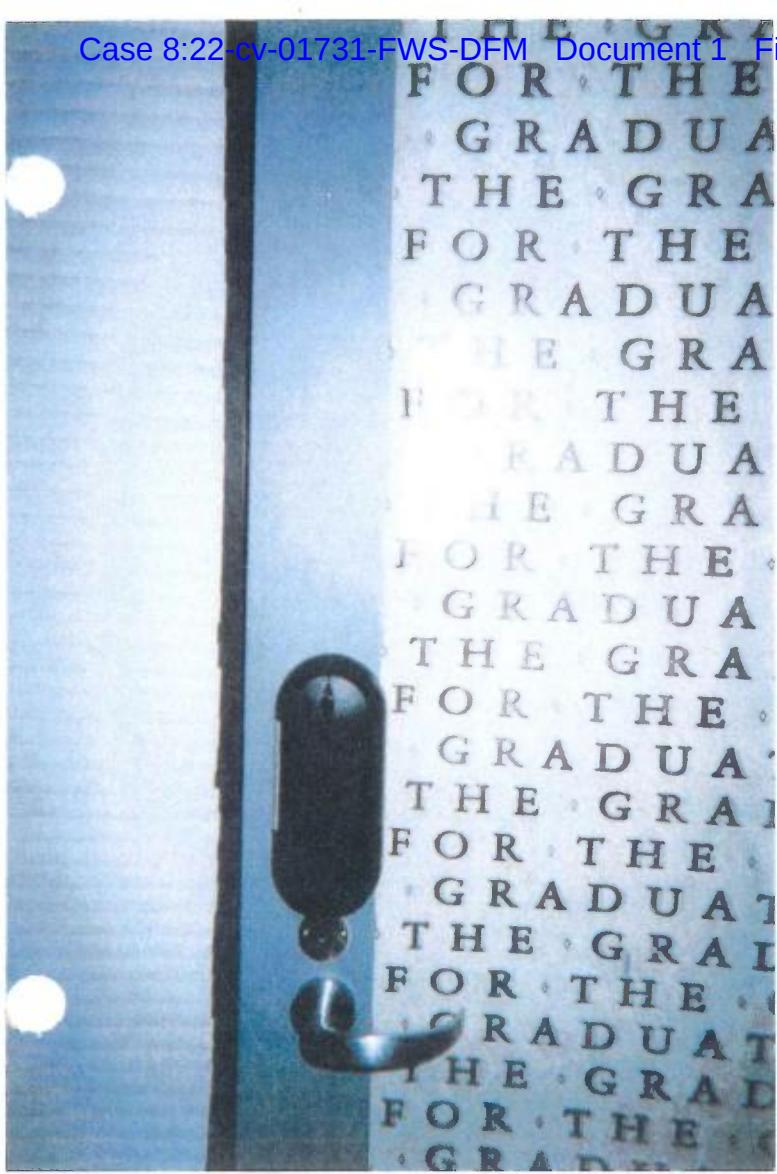
87676. In the case in which the arbitrator determines that the operation of his or her decision should be postponed, any question of terminating the postponement shall be determined by the arbitrator.

87677. The district alone shall pay the arbitrator's fees and expenses, and the costs of the proceedings as determined by the arbitrator. The "cost of the proceedings" does not include any expenses paid by the employee for his or her counsel, witnesses, or the preparation or presentation of evidence on his or her behalf.

\* ✓ 87678. If within 30 days of the receipt of the notification by the district governing board, no written confirmation of agreement of the employee and the governing board as to an arbitrator has been submitted to the secretary of the governing board for entry into its records, the governing board shall certify the matter to the Office of Administrative Hearings and request the appointment of an administrative law judge.

87679. The administrative law judge shall conduct proceedings in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought

Exhibit: W(3)



Black thob on  
my office door

Hillview High School  
Fall 2010 items

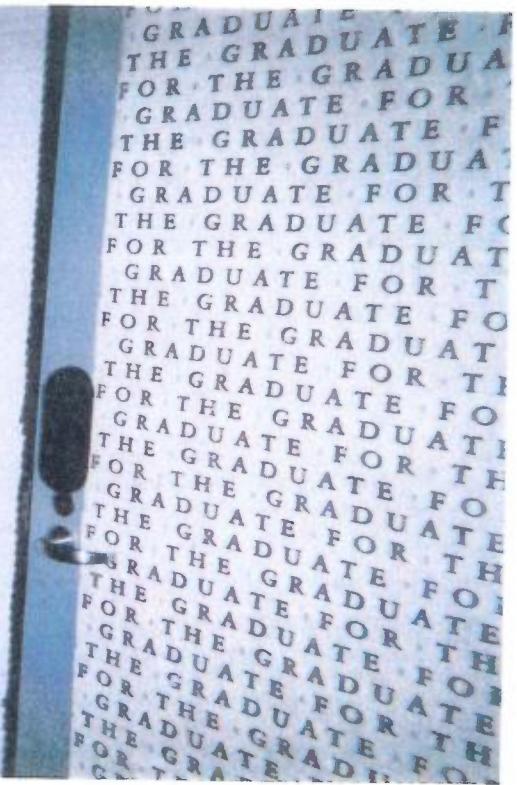


Exhibit: X

Leave" and the same could be done for her. Again, this did not happen in Plaintiff Wassmann's case.

**B. (New) Harassment Policy**

Plaintiff did not have copies of the SOCCCD's Harassment Policy and Complaint Procedure and discrimination form. This newly created website was NOT in existence during Plaintiff's employment with the SOCCCD. (6 CT 1740-1750). Furthermore, Plaintiff was told by Kathy S. and Lewis Long that they would file her grievance and not to worry about anything.

**C. The Rembrandt(s) Are a Forgery**

From the onset Plaintiff WASSMANN has professed her innocence, and refuted each and every complaint (lodged) against her with her rebuttals, and her (repeated) request to have her grievance filed. Plaintiff signed the "Objection to Dismiss" (sent to her by the SOCCCD), and personally took this document over to Human Resources. The document was signed and stamped (by the young lady at the front desk). (9 CT 2406: 127-128). Plaintiff WASSMANN discovered recently (01/15/2016), that mysteriously, this (signed) document, is missing from her file (at the OAH). Instead in its place is a "Blank" copy. Therefore, any judge looking at this will assume that the Plaintiff does not have any objection to the decision to dismiss, which could not have been anything; further from the truth.

(Exhibit: Y<sub>(1)</sub>)

faculty and staff, and to gain Respondent's compliance with library policies and procedures. Respondent continually engaged in discourteous, disrespectful, and insubordinate behavior toward Sinegal and other staff members. Respondent on many occasions was loud, boisterous, angry, and hostile toward Library administrators and staff. Not every action, in isolation, would establish evident unfitness, but upon reviewing all the facts and circumstances together, it has been established that Respondent is not adapted to teaching. (See *Woodland, supra*, 2 Cal.App.4th at 1457 ["When a camel's back is broken, we need not weigh each straw in its load to see which one could have done the deed."].)

5. Cause exists for terminating Respondent's employment with the District under section 87667, in conjunction with 87732, subdivision (f), for persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community college employing her, by reason of factual finding numbers 6, 10-20, 23, 24, and 32-40. The District's rules and policies required its Librarians to maintain professional relationships with all employees of the District, to attend school meetings, and to submit required reports. Respondent received many warnings regarding her behavior, yet continued to violate these provisions, on multiple occasions. Respondent's misconduct was persistent, rather than isolated incidents, or incidents involving an issue unresolved over a period of time. (See, e.g., *Bourland v. Commission on Professional Competence* (1985) 174 Cal.App.3d 317.) Respondent's misconduct was not a single violation. Respondent engaged in a pattern of improper conduct, which warrants her discipline.

#### ORDER

The District's termination of the employment of Respondent, Carol Wassmann, is sustained.

Dated: August 28, 2012



---

MARK HARMAN  
Administrative Law Judge  
Office of Administrative Hearings

had a second meeting with President Roquemore and Vice Chancellor Brumucci.

(8 CT 2398: 8), (9 CT 2406: 122-126).

(Please Note: The "Notice To Correct Deficiencies" (documentation) becomes the "Statement of Charges" when Plaintiff is taken to the (OAH), (7 CT 2064- 2078), (1 CT 263-280)

Plaintiff WASSMANN is in the middle of Ph.D., at Walden University; however, her "dreams" and aspirations of "giving back to the community" are halted as Plaintiff WASSMANN tries relentlessly to; "Stand up" for her Constitutional rights; to clear her name and return to work. (9 CT 2407: 138).

**"C" The Weight of the Evidence at the OAH Is Tainted**

On January 15<sup>th</sup>, 2016, Plaintiff WASSMANN discovered "Fabricated" documents (in her case file) at the OAH. Specifically, (1) A Faculty Performance Evaluation that did not occur (2) inconsistent signatures on the "Statement of Charges" (signature page), violating the evaluation timeline (Education Code: Section 87673, 87674) and (3) to Plaintiff's horror and dismay, a "Blank" form; i.e., Plaintiff's WASSMANN'S "Objection to the Decision To Dismiss" mysteriously is (in her case file). (9 CT 2406: 127-128), (9 CT 2406: 136), (9 CT 2459: 142). Furthermore, any judge looking at this document would assume that Plaintiff WASSMANN was in agreement with this decision to dismiss her; (because the form is "Blank" un-signed), when in fact this was not the case. Plaintiff WASSMANN personally delivered this "Objection Letter" to human resources, and where the document was initialed (and stamped) by the young lady at the front desk. (1 CT 280), (3 CT 670: 1-4), (7 CT 1806: 15-18), (7 CT 2086), (9 CT 2627).



## OFFICE OF ADMINISTRATIVE HEARINGS

State of California

## GENERAL JURISDICTION DIVISION

320 West Fourth Street, Suite 630, Los Angeles CA 90013  
 (213) 576-7200 phone / (916) 376-6324 fax  
[www.dgs.ca.gov/OAH](http://www.dgs.ca.gov/OAH)

Department of General Services

Governor Edmund G. Brown Jr.

February 1, 2016

Ms. Carol Elaine Wassmann  
 P.O. Box 247  
 Dana Point, CA 92629

Re: Carol Wassmann/South Orange Community College District, OAH No. 2011060807

Dear Ms. Wassmann:

The Office of Administrative Hearings (OAH) has received your letter dated January 25, 2016, which was referred to me for a response. OAH no longer has jurisdiction to act on your case with the Community College District. Our review of this case is limited to determining whether any of our employees engaged in misconduct.

Your letter does not constitute an appeal from the decision of the Administrative Law Judge (ALJ). Your letter indicates that you filed an appeal in the Superior Court, and that the appeal was denied. Your letter raises several areas in which you disagree with the ALJ's conclusions about the law and the evidence submitted during your hearing. These challenges to the ALJ's conclusions are properly addressed to the Superior Court reviewing the decision. We do not have jurisdiction to alter the record or the evidence that was received or to change the outcome of your hearing.

Based on the information you provided and our preliminary review of the case information, we do not find that there was any misconduct by the ALJ handling your case. To the extent we determine any cause for concern about the ALJ's conduct, any action we decide to take would be a confidential personnel matter, and we would not be able to disclose the details to you.

Sincerely,

DocuSigned by:

*Susan Formaker*

F806B89EF3C54C2...

Susan L. Formaker  
 Presiding Administrative Law Judge  
 Office of Administrative Hearings

## Regional Offices

**Oakland**  
 1515 Clay Street  
 Suite 206  
 Oakland, CA 94612  
 (510) 622-2722  
 (916) 376-6323 fax

**Sacramento**  
 2349 Gateway Oak Drive  
 Suite 6200  
 Sacramento, CA 95833  
 (916) 263-0550/(916) 263-0880  
 (916) 376-6349/(916) 376-6319 fax

**San Diego**  
 1350 Front Street  
 Suite 6022  
 San Diego, CA 92101  
 (619) 525-4475  
 (916) 376-6325 fax

**Van Nuys**  
 15350 Sherman Way  
 Suite 300  
 Van Nuys, CA 91406  
 (818) 904-2383  
 (916) 376-6319 fax

(Exhibit : Z 2)

Lisa said that this  
is unique to  
that company.  
They set a little bit  
of a discount.  
FIRST-CLASS MAIL  
02/03/2016  
US POSTAGE **\$00.48<sup>5</sup>**

Office of Administrative Hearings  
Department of General Services  
320 W. 4th Street, Suite 630  
Los Angeles, CA 90013

ZIP 90013  
041L10234664

Ms. Carol Elaine Wassmann  
P. O. Box 247  
Dana Point, CA 92629

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(Exhibit: Z 3)

provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

(Exhibit: AA)

**David A. Urban**

**From:** Karima Feldhus [kfeldhus@ivc.edu]  
**Sent:** Monday, February 22, 2010 3:43 PM  
**To:** Earl Pagal  
**Cc:** John Edwards; Anthony Rodgers; Teddi Lorch  
**Subject:** RE: Fumes

Hi Earl,

Thank you. I will seek advice from HR.

Karima

**From:** Earl Pagal  
**Sent:** Monday, February 22, 2010 2:52 PM  
**To:** Karima Feldhus  
**Cc:** John Edwards; Anthony Rodgers; Teddi Lorch  
**Subject:** Fumes

Hi Karima:

According to John, there are no detectable fumes or smells that would cause them to react to the situation. Perhaps at this point you can ask the employee what is it that she smells and what does it do to her. Can we also ask her doctor to provide us with direction as to what types of smells she should avoid and what it does to her.

Earl Pagal  
District Risk Manager  
Office of Risk Management and Benefits  
949-582-4512  
Fax: 949-364-0949

CONFIDENTIALITY NOTICE: This communication and any documents, files, or previous e-mail messages attached to it constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient (s). The unlawful interception, use, or disclosure of such information is strictly prohibited under 18 USCA 2511 and any applicable laws. If you are not the intended recipient, or have received this communication in error, please notify the sender immediately by reply e-mail or by telephone at (949) 582-4512 and delete all copies of this communication, including attachments, without reading them or saving them to disk. Thank you.

Exhibit: 8B



28000 MARGUERITE PARKWAY, MISSION VIEJO, CA 92692-3635 • 949.582.4999 • FAX 949.364.2726 • WWW.SOCCCD.EDU

SADDLEBACK COLLEGE • IRVINE VALLEY COLLEGE • ADVANCED TECHNOLOGY & EDUCATION PARK

4 months later

August 18, 2011

Carol Wassmann  
Post Office Box 247  
Dana Point, CA 92629

Defendants heartless actions towards Black (Faculty) Plaintiff i.e., her well-being is not important.

This notice contains important information about your right to continue your health care coverage in the South Orange County Community College District Group Health Plan (the Plan). Please read the information contained in this notice very carefully.

To elect COBRA continuation coverage, follow the instructions on the following pages to complete the enclosed Election Form and submit it to us.

If you do not elect COBRA continuation coverage, your coverage under the Plan will end on 07/31/2011 due to: 

- End of employment
  - Involuntary  Voluntary
- Divorce or legal separation
- Death of employee
- Entitlement to Medicare
- Reduction in hours of employment
- Loss of dependent child status

Each person ("qualified beneficiary") in the category(ies) checked below is entitled to elect COBRA continuation coverage, which will continue group health care coverage under the Plan for up to 18 months:

- Employee or former employee
- Spouse or former spouse
- Dependent child(ren) covered under the Plan on the day before the event that caused the loss of coverage
- Child who is losing coverage under the Plan because he or she is no longer a dependent under the Plan

If elected, COBRA continuation coverage will begin on 08/01/2011 and can last until 01/31/2013. You may elect any of the following coverage options in which you are already

Exhibit:CC (1)

BOARD OF TRUSTEES: THOMAS A. FUENTES, WILLIAM O. JAY, DAVID B. LANG, FRANK M. MELDAU, MARCIA MILCHIKER, NANCY M. PADBERG, T.J. PRENDERGAST, III • GARY L. POERTNER, CHANCELLOR

AN EQUAL OPPORTUNITY EMPLOYER



28000 MARGUERITE PARKWAY, MISSION VIEJO, CA 92693-3624

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



UNITED STATES POSTAL SERVICE  
AIR MAIL

Carol Wassmann  
Post Office Box 247  
Dana Point, CA 92629

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Exhibit: CC (2)

1 Santa Ana, California - Tuesday, April 12, 2016

2 Morning Session

3 (The following proceedings were had in open court:)

4 THE COURT: Number 14, Wassmann versus South Orange  
5 County Community College District, et al.

6 MR. FEINBERG: Good morning, Your Honor. Michael  
7 Feinberg for Defendants Long and Schmeidler.

8 MR. WALLIN: Good morning, Your Honor. Matthew Wallin  
9 for Defendants South Orange County Community College  
10 District, Karima Feldhus, Robert Brumucci, and Glenn  
11 Roquemore.

12 THE COURT: Thank you.

13 MS. WASSMANN: Carol Wassmann, in pro per.

14 THE COURT: Thank you, ma'am. You've all read my  
15 tentative. Would anybody like to speak to it? I'd be happy  
16 to hear.

17 MS. WASSMANN: Your Honor, I do have an addendum. I  
18 didn't have time to put it in for the 28th, so I have an  
19 addendum for the Court and for the opposing side.

20 THE COURT: I can't keep you from filing anything, but  
21 I will tell you this: Our rules prohibit anything to be  
22 filed after the period has expired. I did find that the  
23 Defendants, the moving Defendants properly filed and served  
24 their motion, giving you an opportunity to file your  
25 opposition to it, and they filed their reply in a timely  
26 fashion. You could have included in your opposition all the

Exhibit: DD

Carol Wassmann

**From:** Carol Wassmann  
**Sent:** Friday, September 10, 2010 10:38 AM  
**To:** Jayne Sinegal  
**Cc:** Melody Harper; Tiffany Tran; Kristine Murakami  
**Subject:** Beckman High School & El Toro High School

Dear Jayne,

Professor Harper and I have discussed the tentative schedule for the up-coming library orientations at Beckman High School and El Toro High School. Professor Harper will facilitate both Counseling 10 (lessons), and I will conduct the library orientation as follows:

El Toro High School  
Friday, September 17<sup>th</sup>, 2010  
Time: 8:00a.m.  
Location: Computer Lab (in the library building)  
Approx: 35 students

Beckman High School  
Thursday, September 23<sup>rd</sup>, 2010  
Time: 7:45a.m.  
Location: Computer Lab (200-214)  
Rox: 29 students

Professor Harper has provided me with the class roster, and Kris has kindly offered to generate the students library I.D. cards (for this special session).  
Professor Harper will get back to me (sometime next week), to confirm date and times.

Sincerely,  
Carol Wassmann  
Professor/Librarian

Exhibit: EE (1)

# Hillview High School

Invites you to participate in our  
Annual Career Fair



Wednesday  
October 27, 2010



Where: Hillview's Grassy Quad



19061 Foothill Blvd.

Santa Ana, 92705



Phone: 714-730-7356

When: Wednesday October 27, 2010 9:30 am to 12:00 pm

We will provide tables & a FREE BBQ Lunch

Please be prepared for sunshine, we will be outdoors!

Please Fax this form or E-Mail back by Oct. 20 to confirm your participation.



To Nubia Barcelo

Fax # 714-730-7584



E-Mail: [nbarcelo@tustin.k12.ca.us](mailto:nbarcelo@tustin.k12.ca.us)

Yes        no       

College or Company Name Irvine Valley College

Contact Person Name Carol Wassmann

Phone or Fax# (949) 451-5788 (Office)

Exhibit: EE(2)

### III.

#### Facts Vs. MISINFORMATION

David Bugay is the Director of Human Resources not Ettie Graham. She is the assistant.

Long and Schmeidler were both: "...M.I.A..." on: **October 6<sup>th</sup>, 2010**, when an impromptu evaluation was set-up. (9 CT 2405: 102). Schmeidler at (OAH) was not familiar with the term: "...WEINGARTEN RIGHTS..." (9 CT 2434: 33).

#### Subpoena (SOCCCD)

PERJURY (§ 118. Penal Code). This court's opinion on page: Six (6)  
Jayne Sinegal's daughter Anasa Sinegal was the instructor for the class  
not a student.

#### Proof: (IVC) Class Schedule

Anasa's (Signed: Employment Contract with (SOCCCD)

Anasa's Tax Returns (2010)

#### CREATING A SITUATION OF "DOUBLE" JEOPARDY FOR APPELLANT

WASSMANN WAS NEVER GIVEN A SHELF LIST TOO COMPLETE  
THE JOB. Dean never generated (a shelf-list). (Page: (6)) (2 CT 310)

Graham could not have emailed WASSMANN a link too the District's Discrimination Complaint Form. Defendant's Exhibit Document is dated: 2015. Appellant was (wrongfully) terminated in 2011. [Citation.]...

PROOF OF SERVICE

STATE OF CALIFORNIA                            }  
    }  
COUNTY OF LOS ANGELES                            }

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 16633 Ventura Boulevard, Suite 800, Encino, CA 91436.

On the date herein below specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Encino, California, addressed as follows:

DATE OF SERVICE : June 18, 2018

DOCUMENT SERVED : **REQUEST FOR PUBLICATION OF JUNE 12, 2018 APPELLATE OPINION**

PARTIES SERVED : SEE ATTACHED SERVICE LIST

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED at Encino, California on June 18, 2018.

  
\_\_\_\_\_  
Evelyn Ruano

SERVICE LIST

*Carol Wassmann v. South Orange County Community College District*

Court of Appeals Case No.: G053411

Orange County Superior Court Case No.: 30-2013-00692313

PLAINTIFF IN PRO PER

Carol Wassman  
P.O. Box 247  
Dana Point, CA 92629  
(949) 493-1908

ATTORNEY FOR DEFENDANTS: LEWIS LONG, KATHERINE SCHMEIDLER

Amy Moolin Cu, Esq.  
Schwartz, Steinsapir, Dohrmann & Sommers LLP  
6300 Wilshire Boulevard, Suite 2000  
Los Angeles, California 90048-5268  
Phone: 323-655-4700  
Fax: 323-655-4488

Frederick P. Aguirre, Dept. C23  
Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

(Exhibit: H H<sub>2</sub>)

**IVC** IRVINE VALLEY COLLEGE  
5500 Irvine Center Drive, Irvine, CA 92618

Carol Wassmann  
*Librarian*  
*School of Library Services*

(949) 451-5788 Office      Reference (949) 451-5266  
(949) 451-5796 Fax      cwassmann@ivc.edu  
Smith Orange County Community College District

REICH, ADELL & CVITAN

A PROFESSIONAL LAW CORPORATION

3550 WILSHIRE BOULEVARD, SUITE 2000  
LOS ANGELES, CALIFORNIA 90010  
TEL: (213) 386-3860 • FAX: (213) 386-5583  
www.rac-law.com

HIRSCH ADELL  
ALEXANDER B CVITAN  
MARIANNE REINHOLD  
LAURENCE S. ZAKSON  
CARLOS R. PEREZ  
NEELAM CHANDNA

J. DAVID SACKMAN  
MARSHA M. HAMASAKI  
PETER A. HUTCHINSON  
WILLIAM Y. SHEH  
NATALIA BAUTISTA  
KENT MORIZAWA  
AARON G. LAWRENCE  
ANGELA SERRANZANA  
ALLAN D. SHULDINER

OF COUNSEL  
GEORGE A. PAPPY

JULIUS MEL REICH  
(1933 - 2000)

March 13, 2012

Carol Wassmann  
P.O. Box 247  
Dana Point, Ca 92629

Re: Briefs in Your Case

Dear Carol,

Enclosed you will find copies of the brief initially filed by the South Orange County Community College District on February 14, 2012, as well as a copy of my closing brief which I filed and served by fax on March 8. The District will be filing one more reply brief on March 19 before the case is submitted for a written decision by the judge. I expect that decision to be issued sometime in June. Of course, I will contact you immediately when my office receives it.

Very truly yours,

REICH, ADELL & CVITAN

*Carlos R. Perez*  
CARLOS R. PEREZ

CRP/slb

Enclosures

cc: Eric Lampel, Esq. (w/enclosures)

198414.1

(Exhibit: HH 2)

1 MARIANNE REINHOLD (CSB 106568),  
2 CARLOS R. PEREZ (CSB 181647) and  
3 KENT MORIZAWA (CSB 260453), Members of  
REICH, ADELL & CVITAN  
A Professional Law Corporation  
3550 Wilshire Blvd., Ste. 2000  
Los Angeles, California 90010  
Telephone: (800) 386-3860  
Facsimile: (213) 386-5583  
Attorneys for Respondent

7

8 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
9  
10

11 In the Matter of the Dismissal Of:

12 CAROL WASSMANN,

13 Respondent.

14 OAH CASE NO. 2011060807

15 RESPONDENT'S CLOSING BRIEF

16 Hearing: January 17, 19, 20, 23-24, 2012  
17 Time: 10:00 a.m.  
18 Place: OAH Los Angeles

19 I. INTRODUCTION

20 In this proceeding, the Governing Board of the South Orange County Community College  
21 District (District) alleges that respondent Carol Wassmann, a full-time librarian at Irvine Valley  
22 College and a permanent employee of the District, is guilty of (a) unprofessional conduct,  
23 (b) unsatisfactory performance, (c) evident unfitness for service and (d) the allegedly persistent  
24 violation of and refusal to obey reasonable regulations prescribed by the College. Wassmann  
25 believes, for the reasons specified below, that the allegations raised by the District lack merit, and  
26 that she should be reinstated to her position with back pay.

27 ///

28 ///

( Exhibit: HH 3 )

225.1  
RESPONDENT'S CLOSING BRIEF

S250111

Case No. G053411

SUPREME COURT  
FILED

JUL 24 2018

Jorge Navarrete Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

---

CAROL ELAINE WASSMANN

Plaintiff and Appellant

Vs.

SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT et, al.,

Defendants and Respondents

---

After a Decision of the Court of Appeal

Fourth Appellate District, Division Three

Orange County Superior Court Case No. 30-2013-00692313

Honorable Frederic P. Aguirre, Judge

---

PETITION FOR REVIEW

---

Carol Elaine Wassmann, (In Pro Per)

P.O. Box 247

Dana Point, CA 92629

Telephone: (949) 493-1908

RECEIVED

JUL 23 2018

CLERK SUPREME COURT

Exhibit: HH(4)

**FILED**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

JUN 12 2018

DAVID H. YAMASAKI, Clerk of the Court

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

BY R. MCADAMS DEPUTY

California Rules of Court, rule 8.1116(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1116(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1116.



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

CAROL E. WASSMANN,

Plaintiff and Appellant,

v.

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT et  
al.,

Defendants and Respondents.

G053411

(Super. Ct. No. 30-2013-00692313)

OPINION

Appeal from a judgment of the Superior Court of Orange County, Frederick P. Aguirre, Judge. Affirmed. Request for Judicial Notice. Granted in part and denied in part. Motion to strike Appellant's opening brief. Denied.

Carol E. Wassmann, in pro. per., for Plaintiff and Appellant.

Walsh & Associates, Dennis J. Walsh and Matthew C. Wallin for Defendants and Respondents South Orange County Community College District, Karima Feldhus, Robert Brumucci and Glenn Roquemore.

Exhibit: HH(5)

and office hours) by not attending a January 7, 2010 school meeting. Wassmann also submitted her spring schedule in an incorrect format.

On January 26, 2010, Sinegal assigned Wassmann the task of conducting a bibliographical instruction during a shift at the reference desk. Wassmann refused the task and asked a colleague to cover the instruction. At her deposition, Wassmann testified she believed she could turn down a request from the department chair to teach the class. Wassmann also testified one reason for turning down the request was that Sinegal's daughter was going to be a student in the class.

On February 8, 2010, Feldhus and Graham went to Wassmann's office to speak with her about a nondisciplinary matter. Feldhus and Graham knocked on Wassmann's locked office door. Feldhus advised Wassmann this was a nondisciplinary meeting. Wassmann opened the door, stated, "I'll be right there," closed the door, and did not come out. Wassmann called Feldhus's secretary and asked her to leave messages for Feldhus that Wassmann would not meet without a union representative. Feldhus, after receiving the message from her secretary, called Schmeidler and invited her to the meeting. Wassmann allowed Schmeidler into her office and they spoke for about 10 minutes while Feldhus and Graham waited outside.

Wassmann and Schmeidler met with Feldhus and Graham to discuss Wassmann locking her office door. Feldhus later directed Wassmann to post a sign on her closed door stating that Wassmann was inside and available during normal working hours. Wassmann did not post the sign but instead would put up a small label stating the "door is unlocked."

In September 2009, Feldhus had assigned Wassmann the project of updating the library's audio-visual collection. On February 9, 2010, Feldhus observed Wassmann working on the audio-visual collection project. According to Feldhus, Wassmann demonstrated a lack of understanding of the project and a lack of a plan for completing it, and failed to use staff for the project, as she had been directed to do.